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Parliamentary Debates

VOL. XXXVII.

THE

Parliamentary Debates

FROM

THE YEAR

1803

TO THE PRESENT TIME:

FORMING A CONTINUATION OF THE WORK ENTITULED
"THE PARLIAMENTARY HISTORY OF ENGLAND FROM THE EARLIEST
PERIOD TO THE YEAR 1803."

PUBLISHED UNDER THE SUPERINTENDENCE OF

T. C. HANSARD.

VOL. XXXVII.

COMPRISING THE PERIOD
FROM
THE TWENTY-SEVENTH DAY OF JANUARY,
TO
THE THIRTEENTH DAY OF APRIL,
1818.

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1818.

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PARLIAMENTARY

THE

Parliamentary Debates

During the Sixth Session of the Fifth Parliament of the United Kingdom of Great Britain and Ireland, appointed to meet at Westminster, the Twenty-seventh Day of January 1818, in the Fifty-eighth Year of the Reign of His Majesty King GEORGE the Third.

[*Sess.* 1818.

HOUSE OF LORDS.

Tuesday, January 27, 1818.

THE PRINCE REGENT'S SPEECH ON OPENING THE SESSION.] This day at three o'clock, the session was opened by commission. The commissioners were, the Lord Chancellor, the Archbishop of Canterbury, the earl of Harrowby, the earl of Westmorland, and the duke of Montrose. The Speaker, accompanied by a great number of members of the House of Commons, being come to the bar, the Prince Regent's Speech was read by the Lord Chancellor as follows:

" My Lords and Gentlemen;

" We are commanded by his royal highness the Prince Regent to inform you, that it is with great concern that he is obliged to announce to you the continuance of his Majesty's lamented indisposition.

" The Prince Regent is persuaded that you will deeply participate in the affliction with which his Royal Highness has been visited, by the calamitous and untimely death of his beloved and only child the Princess Charlotte.

" Under this awful dispensation of Providence, it has been a soothing consolation to the Prince Regent's heart, to receive from all descriptions of his majesty's subjects the most cordial assurances both of their just sense of the loss which they have sustained, and of their sympathy with his parental sorrow: and, amidst his own sufferings, his Royal Highness has not been unmindful of the effect which this sad event must have on the interests and future prospects of the kingdom.

" We are commanded to acquaint you, that the Prince Regent continues to receive from foreign powers the strongest assurances of their friendly disposition towards this country, and of their desire to maintain the general tranquillity.

" His Royal Highness has the satisfaction of being able to assure you, that the confidence which he has invariably felt in the stability of the great sources of our national prosperity has not been disappointed.

" The improvement which has taken place in the course of the last year, in almost every branch of our domestic industry, and the present state of public credit, afford abundant proof that the difficulties under which the country was labouring were chiefly to be ascribed to temporary causes.

" So important a change could not fail to withdraw from the disaffected the principal means of which they had availed themselves for the purpose of fomenting a spirit of discontent, which unhappily led to acts of insurrection and treason; and his Royal Highness entertains the most confident expectation, that the state of peace and tranquillity to which the country is now restored, will be maintained against all attempts to disturb it, by the persevering vigilance of magistracy, and by the loyalty and good sense of the people.

"Gentlemen of the House of Commons;

"The Prince Regent has directed the estimates for the current year to be laid before you.

"His Royal Highness recommends to your continued attention the state of the public income and expenditure; and he is most happy in being able to acquaint you, that since you were last assembled in parliament, the revenue has been in a state of progressive improvement in its most important branches.

"My Lords, and Gentlemen;

"We are commanded by the Prince Regent to inform you, that he has concluded treaties with the courts of Spain and Portugal, on the important subject of the abolition of the slave trade.

"His Royal Highness has directed that a copy of the former treaty should be immediately laid before you; and he will order a similar communication to be made of the latter treaty, as soon as the ratification of it shall have been exchanged.

"In these negotiations it has been his Royal Highness's endeavour, as far as circumstances would permit, to give effect to the recommendations contained in the joint addresses of the two Houses of Parliament: and his Royal Highness has a full reliance on your readiness to adopt such measures as may be necessary for fulfilling the engagements into which he has entered for that purpose.

"The Prince Regent has commanded us to direct your particular attention to the deficiency which has so long existed in the number of places of public worship belonging to the established church, when compared with the increased and increasing population of the country.

"His Royal Highness most earnestly recommends this important subject to your early consideration, deeply impressed, as he has no doubt you are, with a just sense of the many blessings which this country by the favour of divine Providence has enjoyed; and with the conviction, that the religious and moral habits of the people are the most sure and firm foundation of national prosperity."

The House was then adjourned till five o'clock.

Repeal of the Habeas Corpus Suspension Act.] The House being resumed, the earl of Liverpool, according to usage, presented a Bill for the better regulation of Select Vestries, which he moved should be read a first time.

Lord *Holland* said, he did not rise to object to the Bill, of which on the contrary, he approved, but to state that he had intended to save the noble earl the trouble of introducing this bill according to usage, by himself presenting a bill of the utmost importance, for the purpose of restoring the liberties of the people, which had been outraged by the passing of a bill for the suspension of that great bulwark of the constitution, the Habeas Corpus. Satisfied that not a moment ought to be lost in restoring those invaluable privileges to Englishmen, of which they had thus been deprived, he had prepared a bill, which he then held in his hand, for the repeal of the act for suspending the benefits of the Habeas Corpus. He had, however, been induced, for two reasons, to refrain from presenting the bill on this day; the first was, the possibility that ministers themselves might be induced to repair the wrong they had done, and thus to bring forward a bill for repealing the act to which he had alluded, and which they could not now pretend was any longer necessary; the second reason arose out of the melancholy event that had so unhappily occurred, and respecting which he was satisfied there was but one opinion amongst all men, either in that House or in the country; he did not wish to interrupt that condolence which it became their distressing duty to offer upon so calamitous an occasion; and therefore he was induced to postpone his intention. He, however, was decidedly of opinion, that no time ought to be lost in bringing forward the bill to which he had alluded; and as, in passing the act for suspending the Habeas Corpus, the ordinary forms of the House were dispensed with, so ought they to be with regard to a bill for the repeal of that act. He now wished to ask, whether it was the intention of any noble lord on the other side to bring forward a bill for the repeal of the Habeas Corpus Suspension act, and whether, in such case, it was intended to move to suspend the standing orders, to allow of such a bill passing with more rapidity than usual, as had been done in the case of the act sought to be repealed? If no such intention was intimated, some noble lord near him, or if not, he himself would, without delay, introduce a bill for the repeal of the act alluded to.

The Earl of *Liverpool* said, that if the noble lord had waited till the discussion on the Address was over, instead of making what he could not but consider an irregular speech, he would have heard a noble friend of his, to whose department this business especially referred, give notice of his intention to present a bill for the repeal of the act commonly called the Habeas Corpus Suspension act, and also to move to take the standing orders into consideration to-morrow, with the view of suspending them, in order to pass the Repeal Bill without any delay, as in the case of the original act.

ADDRESS ON THE PRINCE REGENT'S SPEECH AT THE OPENING OF THE SESSION.] The Prince Regent's Speech having been read by the lord chancellor and also by the reading clerk at the table,

The Earl of *Aylesford* rose to move an Address of Thanks. There could, he said, be but one opinion upon the melancholy events with which the Speech had commenced. Who was there that did not sympathize in the sufferings of our venerable king; or who that did not mourn over the untimely loss of the Princess Charlotte, whose amiable life, whose exalted virtues, whose sweetness of disposition, and whose excellent understanding, had endeared her to the nation in general. On her decease, addresses of condolence had poured into the throne from every part of the country, thereby evincing the deep sympathy of the people; and their lordships could now, by their expression of sorrow, complete the picture of national grief. But amidst the gloom with which they had been overwhelmed, the state of the country afforded topics of proud congratulation, and particularly as compared with its former condition. The revenue had been constantly improving, commerce had revived, and the tone of public feeling had proportionably ameliorated. It was but fair to attribute some part of this happy change to the wise measures of parliament, which had counteracted the schemes of the disaffected. In reviewing our relations with foreign powers, there were no circumstances of greater interest than the treaties concluded with Spain and Portugal, for the final abolition of the slave trade. The exertions of this country with respect to that point had been most exemplary; but the interests of humanity required their completion, an object which the present treaties were likely to effect. The only topic which remained for him to notice was, the lamentable deficiency of places of worship throughout the country, as compared with the increased population. To this subject it became the House to lend their attention. In former reigns money had been voted by parliament for the erection of churches; and when the importance of the subject was considered, he felt confident that they would not, in the present day, be found less willing to contribute to such a work than on any former occasion. The noble lord concluded by moving an Address to the throne, which was, as usual, an echo of the Speech.

Lord *Selsey*, in rising to second the Address, said, that he should occupy the attention of the House but for a short period; feeling that, after the able speech they had just heard, he should have the less occasion for dwelling on the topics before the House. Upon the melancholy loss which the country had recently sustained, there could be no difference of opinion—an event so deplorable demanded all their warmest sympathies. Only a few weeks had rolled away since all classes of society had looked forward with hope and joy to the birth of a prince, who would perpetuate the line of the illustrious family which now swayed the destinies of the empire. This hope and this joy had suddenly given way to the deepest affliction; and who that considered the merits, the eminent virtues of that amiable princess, did not feel that as long as virtue continued to hold a place in the estimation of mankind, the loss of the princess Charlotte would be deeply, warmly, and sincerely lamented; and he felt a sad and solemn satisfaction in thus publicly offering up his humble tribute of sorrow at the melancholy event that had blighted the fair rose of the state, and had untimely snatched away the best hopes of the country. Turning from this distressing subject, the country presented abundant cause of congratulation, and particularly in the contrast of its present condition with what it had been when their lordships had last been called together. The country had at that time been threatened with anarchy and rebellion; commerce had become stagnant in all its channels; and a deep and settled gloom and consternation hung over the country, of a darker character than any they had experienced during the long course of the preceding hostilities. To this, however, a triumph had succeeded, a triumph not indeed accompanied by the "pride, pomp, and circumstance of war," but one wherein wisdom and moderation had counteracted the desolating spirit of revolution, crushed the seeds of anarchy, and reestablished peace, confidence, and tranquillity. The noble lord then alluded to the increase in the revenue, as mentioned in the Prince Regent's Speech, and attributed the happy change in every part of the country to the wise precautionary measures adopted by government. But if the state of domestic affairs was thus consolatory, there was no less cause for exultation in reviewing our relations with foreign states. Alluding to the treaties for the suppression of the slave trade, concluded with Spain and Portugal, the noble lord commended the personal exertions made by the illustrious person at the head of the government in attaining that object, and in terminating a traffic alike revolting to the feelings of humanity, and disgraceful to any state professing the pure doctrines of Christianity. With respect to the deficiency in the number of places for public worship, the fact was too notorious to require explanation. In support of the urgent necessity, of correcting that deficiency, there was no necessity to adduce arguments. Many parts of the kingdom, he lamented to say, were utterly destitute of any means of acquiring moral instruction, which as had been well observed in the Speech from the throne, was the only sure foundation of national prosperity.

Earl *Stanhope* said, that in rising to express his sentiments on the present state of the country, nothing was farther from his intention than to object to the Address which had been proposed; but as the Speech from the throne was generally understood to be an exposition of the state of public affairs, the debate upon it naturally afforded a favourable opportunity of offering an opinion on the political condition of the empire. The noble earl said he was not enrolled under the banners of the executive, and did not receive or adopt with implicit faith every statement that ministers might choose to make. In public life, he had no other object than the happiness and prosperity of his country. But if he was ever unwilling to consider the narrow interests, or serve the purposes, of a party, he should at the present moment, more than ever, condemn a systematic opposition to government, when principles were making hourly progress which threatened the extinction of social order. Whatever opinion might have been entertained at a former period respecting the measures that had been pursued for the suppression of this spirit of anarchy and insubordination, let us at length be open to conviction: let us admit, that under the present administration these principles, so dangerous to society, have been more effectually opposed than ever. Let us admit that their measures have ensured the peace and happiness, the tranquillity and security of the country. Let us admit, that his majesty's ministers have steered the vessel of the state in safety through a storm unparalleled in difficulty and danger. But, though the political ocean was now in some measure tranquillized, the horizon was far from being clear; the troubled waves of faction still continued to roll, and dangers were yet to be apprehended. This he felt it necessary to state, in consequence of reports that had reached him from various quarters. If it were true, that the king of France reigned in the hearts of his subjects as much as some had represented, what evil could result from setting at liberty the state prisoner at St. Helena? In that case, he must, on landing in France, only meet with his own destruction, and the event would only tend to strengthen the Bourbons on the throne. But his confinement there was a tacit admission that the affections of the French for their king could not be depended on, and that the liberation of Buonaparte would but consolidate the power of democracy. If this was true, it was clear that the government of France, as far as it could rely on its own means for support, did not rest on any solid foundation. He did not speak with reference to the present administration of that country, the measures they were pursuing, or the opinions they might entertain: he spoke of facts notorious to the whole world. It was notorious that Louis 18th had been placed on his throne by the bayonets of foreign armies; that he had twice entered his capital in the rear of troops who had conquered the country he was destined to govern, and that he now only retained his throne by the protection of the sword. On this head, we had been told, that we had no right to interfere with the internal government of another nation; but he should say, that they who had a right to the greater, had also a right to the less. France had been twice conquered, and the allies had, therefore, a right to dispose of her in what manner they pleased. The safest policy they could have pursued would have been to have partitioned France, not for the sake of adding to the allied powers, but of erecting new and separate dynasties. The best mode of division would have been that stated in Cæsar's Commentaries—a division into three parts. But, if any individual was to be placed on the throne of the country as it stood, certainly the allies could not have made a more judicious choice than Louis 18th, not to weaken their power or deprive them of the means of defence, but to "abate their pride, assuage their malice, and confound their devices;" at the same time to inflict a sort of chastisement for their crimes, and afford something like a security to the rest of Europe. The very reasons which rendered Louis 18th unacceptable to France, were those of all others which ought to have weighed with the allies, and rendered him acceptable to them: he was obliged to the allies for his throne, and depended on them almost entirely for support; common gratitude, therefore, would prevent him from making any attack on their peace, or the system they maintained. That peace they had nobly conquered, and of that peace the best guarantee was Louis 18th. His government could not be destroyed without striking at the root of social order in every surrounding nation. A revolution there would not only be attended with calamity to France and the Bourbons, but to every part of Europe; and it would be as impossible to predict what the extent of its effect might be, as it was in the year 1793. It was obvious that, in the event of a change, the man who, by force or fraud, should attempt to gain the supreme dominion of the French people, would endeavour to effect his purpose by proposing that which was dearest to the heart of every Frenchmen—foreign conquest and foreign dominion: and we should then see their armies again devastating the face of Europe, and pursuing the same course of rapine and aggression that had marked their progress during the last twenty years. Had their lordships sufficiently considered the character of that people?—a people the most unprincipled on the face of the globe—a people who had pursued the career of slaves and robbers, and were now the most abject of the human race. If the calamities of the last twenty years were to be renewed from the same quarter and to the same degree, for what purpose had we fought and bled?—for what purpose had we triumphed?—what was the object of all our toils, and all the privations occasioned by the burthens of war? The laurels we had reaped would but wither on our brow, and all our battles have been fought in vain. He did not presume to obtrude his own crude opinions on their lordships attention: the opinions he had advanced were those of persons the best qualified to form a judgment on the subject: he had the authority of a man who had a better opportunity than any other of knowing, and of knowing officially the character of the French people; a man whose eagle eye had searched from one end of France to the other—he meant the duke of Otranto, better known by the name of Fouche. It was his opinion, that the instant the allied troops were withdrawn, would be followed by the fall of the Bourbons: the fall of that family would ensure a war against the rest of Europe, from motives of ambition or vengeance; and the renewal of such a contest as that which we had lately been engaged in, must be attended with inevitable destruction to this country. The renewal of the contest would bring on hostilities not similar to those which had been unexampled in glory by all that history could produce, which had raised this nation to a pitch of glory it had never attained before—he meant the hostilities that ended with the battle of Waterloo. This country still continued to feel exhausted with the gigantic efforts she had made in that contest, and it would be now utterly impossible for her to renew it with any hope of success. But the more he felt convinced that peace was necessary to the existence of this country, the more he wished every possible means to be resorted to for recovering that desirable tranquillity. Those means were already in our own hands. We had only to retain in France all the allied forces that now occupied that country; at all events for the whole period stipulated by treaty, and, if necessary, even for a longer period. He was not ignorant of the precise and imperative terms of that treaty, but he would contend that every treaty ought to be executed according to its intention and spirit, and not according to the letter. Thus the noble earl opposite had, on a former occasion, refused to evacuate Malta according to the strict terms of that treaty, but retained it according to the clear spirit of that treaty. Now, the clear spirit of the treaty in question was, first, that France should not be evacuated before the contributions were all paid; secondly, that time should be allowed to erect a barrier of fortresses on the Rhine; and thirdly, that a guarantee should be secured to Europe against the return of those calamities that had been so repeatedly inflicted on us by the unprincipled aggression and ambition of the country we had succeeded in twice conquering. Nothing but the most perfect security against such an occurrence could, in his opinion, justify the removal of the army of occupation. He was aware that this country must follow the line of politics adopted by the allies, but he hoped that they would be alive to the dangers of too easy a relinquishment of the security they now held. It was said, indeed, that the government of Louis 18th could not be sustained under the unpopularity occasioned by the presence of a foreign army; but the answer was, that the government of Louis 18th was only the means, the tranquillity of Europe the end, of all our precautions. He entreated his majesty's ministers to weigh well the consequences of withdrawing the army of occupation. The first event, after any political change in France, would be an irruption into Belgium. He entreated their lordships to consider what they would lose, and what the enemy would gain, by the line of fortresses which would thus fall into their hands. We should next be required to give up Buonaparte, an event that could not but be attended with the utter ruin of this country.—He forbore to touch on any other topic; but he trusted the Prince Regent (in whose wisdom he had the highest confidence) would avert the evil he so much apprehended. No man could be a warmer advocate of economy than himself; but we could have no economy, unless we were at peace; and retrenchments that endangered our security could not be called economy. Indeed, no word was so ill understood. In the language of many, it implied retrenchment of all, even the most necessary, expenses; and reform, a change of every thing, even the fundamentals of government. He entreated their lordships, before they relinquished the security they already possessed in France, to turn their attention to the improvements in the internal situation of the country, and the measures that might be necessary for the future. He was happy to hear that there was no farther necessity for the suspension of the Habeas Corpus act; but he begged not to be understood as throwing any doubt on the propriety of that measure, to the firm adoption of which he attributed the tranquillity that now prevailed. The best proof of the necessity of the measures which his majesty's ministers had adopted, was afforded by the experience of what had been the situation of the country. He should have the honour, when the question came regularly before the House, to state the grounds and reasons which induced him to differ on this subject from many of those near him, as well as to dissent from all those chimeras of parliamentary reform which had been made the pretexts for disturbing the tranquillity of the country.

The Marquis of *Lansdowne* said, he could have wished that the address had been so framed on the present occasion, as to have enabled him to give it his unqualified approbation. There were parts of it which were unobjectionable, and which he was fully prepared to support; but it contained, at the same time, some topics which he found it impossible to allow to pass unnoticed. Without imputing any blame to the noble lords who moved and seconded the address, or those who might have suggested the topics to which he alluded, he must say that, had it been possible to separate them from the expression of their lordships regret for that severe calamity which had afflicted the nation, he should have felt great pleasure in joining in the unanimity of the vote which must have been given on that subject. How that affliction had been regarded, was known from the manner in which it had, in the metropolis, and all over this busy country, interrupted the active pursuits of life. Never had any occurrence cast so deep a shade over the public mind, as this melancholy event had done. If ever there had been an occasion on which the feelings and voice of a people were unanimously expressed, it had occurred in this country in consequence of the calamity they had experienced. Those feelings, and that voice, had been manifested in the most general and strongest manner, and had been conveyed in accents of condolence to the foot of the throne, and in prayers to the foot of the altar. Before he quitted this melancholy subject, he must take the liberty of remarking, that the event they had so much reason to deplore, had afforded the strongest proof, were any proof wanting, of the unfeigned and unalterable attachment of the people to the principles of the act of settlement, by which the House of Brunswick was called to the throne—to the constitutional monarchy of the country, and to the order of succession which had been established. Having said this much, it was unnecessary for him to assure their lordships, that the part of the address relating to the event which had occasioned such universal sorrow had his most unqualified approbation. —With regard to other parts of the Address, though he could not give them his concurrence, yet it was not his intention to propose any amendment. It was, however, impossible for him to allow it to be supposed that one topic could have either directly or indirectly his approbation. He meant that part of the Address in which was implied a doubt, whether tranquillity could have been obtained under the usual operation of the constitution, if there had not been a change in the situation of the country. Was it possible for their lordships now to entertain any such doubt, after all that had passed last session, and all they had learned since? Where had there been any appearance of a conspiracy, for the suppression of which the laws were inadequate? After all the trials and investigations which had taken place, their lordships might ask themselves whether they had discovered evidence of any thing like an organized conspiracy, which called for the setting aside the constitution; and whether any discontent which had existed, was manifested in such a manner, or possessed such a force, that the ordinary and fair administration of the laws could not have suppressed it? He should expect ministers to show distinctly, not only that there had been a conspiracy, but that the number and character of the persons engaged in it were such as to require extraordinary measures for its suppression. He would maintain that they had not produced in the last session of parliament a tittle of evidence as to the extent of the conspiracy. They had asserted that it had ramifications throughout the country; but in the trials at Derby, where it was the business and the particular object of the attorney-general to prove that the discontented there had a correspondence with others in different quarters, he had completely failed. He could not prove that in any part of the country there had been the slightest connexion with these conspirators. This terrible conspiracy, too, was suppressed without the slightest difficulty by eighteen dragoons. He was satisfied that the men engaged in that transaction were very properly brought to trial, and justly convicted; but it was the only thing ministers had to bring forward as an apology for their measures. It was natural that the attorney-general should have exerted all his great abilities to prove, if he could, the existence of a communication between these conspirators and others in different parts of the country; for the only chance of an acquittal depended on the actual insignificance of the affair. The learned counsel for the Crown, had, however, established no connexion whatever. Nothing could more decidedly demonstrate the absurdity of this conspiracy than the evidence of what had been declared by the leader, or Nottingham captain-general, as he was called, who had been described to have announced to his followers, that France, England, and Ireland, and clouds from the north, would assist them in their insurrection. But, after all, the insurrection required no force to meet it, and might have been suppressed by a few parish constables. It was not the suspension of the Habeas Corpus that put down the insurrection, or the conspiracy, whichever it might be called: it had been extinguished by the due administration of the law—by apprehending and bringing the persons accused to trial; and the same law could have been applied with equal efficiency, though the Habeas Corpus act had remained in force. At the same time it was to be observed, that there was no proof of any conspiracy hostile to the institutions of the country. The whole disturbance sprung from partial discontent, with which the great body of the population of the place where it broke out were untainted. Even in the very villages through which the insurgents passed, the people ran away from them;

and in no part of the country was there any trace to be found of the existence of a conspiracy to alter the king's government. He must therefore continue to maintain, that the grounds on which the suspension of the Habeas Corpus was called for by ministers, were entirely unfounded, and that the measure was altogether unnecessary. What he had that night heard of the state of the country afforded him great pleasure, but he could not give that change the credit which ministers seemed desirous of attributing to it, of removing great disaffection, and suppressing extensive conspiracies. The returning prosperity, on which ministers had dwelt with so much emphasis, was what he was happy to hear. He hoped also that the predictions of the improvement of the revenue would be realized, and he trusted it would continue to flourish, and that the burthens of the country would be diminished; but he must confess, that this was a matter which, in his opinion, admitted rather of hope than of certainty. He had thought it necessary to make these observations, though, as he had stated, he did not on this occasion intend to trouble their lordships with any proposition.

The Earl of *Liverpool* said, he was gratified with the manner in which the noble marquis had expressed his concurrence with one part of the address, and acknowledged the candour with which he had stated his sentiments respecting other parts. If this were the proper occasion for entering into a consideration of the subjects to which the noble marquis had referred, he should be ready to maintain and prove that the precautionary measures which ministers had proposed were called for by the necessity of the case. The reports which had been made by committees chosen by their lordships, and facts subsequently disclosed, all showed that the state of the country was such as to require that extraordinary measures should be resorted to. If this were the time for discussing the subject, he was prepared to maintain that, in a case which involved the tranquillity and safety of the country, it would ill become their lordships to calculate how much danger and risk ought to be incurred before they employed the means of security which they held in their hands. With regard to the Speech from the throne, he must frankly confess that it had been the wish of ministers, without giving any opinion on disputable points themselves, or calling for any such opinion on the part of others, that it might be so framed as to obtain the unanimous approbation of the House. In this they were persuaded they had succeeded; and he hoped, when the noble marquis reconsidered the subject, that he would abandon the view of the Speech which he had taken. In fact, the Speech did nothing more than state, that the improved situation of the country had withdrawn from the disaffected the principal means on which they relied for accomplishing their seditious or treasonable ends. This had no reference to the question of the propriety of suspending the Habeas Corpus act last session. The noble marquis thought there was no necessity for that measure: he (lord Liverpool) thought there was: but whether the opinion of the noble marquis or that which he opposed to it was the right one, had nothing to do with the present address.—He must now say a word or two on what had fallen from a noble friend of his (earl Stanhope) in a speech of great ability, which he had addressed to their lordships. In his noble friend's peculiar situation it appeared that he considered himself called upon to state his sentiments, and he approved of the feeling on which he acted. He thought it necessary, however, to remark, that the observations of his noble friend were not of that kind on which it would be fitting for him to dwell. All he wished to say was, that the great policy of this country was, to maintain the present peace, so important to this country and to Europe: and that it would be the object of his majesty's government to preserve that peace by pursuing the course most likely to secure it; namely, a strict adherence to the engagements into which the country had entered; which was the best means of securing the fidelity of the other contracting parties in their engagements. He must also observe, that he could not partake in the opinion which his noble friend had expressed respecting the feelings of the people of France towards the sovereign of that country. He had, indeed a strong impression of a contrary nature. This much he would also say, that neither the state of that country, nor of any other part of the continent of Europe, exhibited, in his opinion, any appearances calculated to excite the apprehensions which his noble friend entertained. The well known disposition of all the continental powers afforded the best guarantee for the preservation of peace. He should say nothing farther on this subject; and he hoped that what he had previously stated would have the effect of removing the objections of the noble marquis. When the present motion should be agreed to, his noble friend, the secretary of state for the home department, would propose the preliminary steps for the measure of which he had given notice.

The Address was then agreed to *nem. dis.*

Lord *Sidmouth* gave notice, that he would present a bill to-morrow for repealing the Habeas Corpus Suspension act, and also, that he would move for the suspension of the standing orders, which requires a certain interval to pass between the different stages of bills, in order that they might be enabled to pass the bill in the course of to-morrow.

CLERK OF THE PARLIAMENTS.] The Earl of *Liverpool* observed, that the office of clerk of the parliaments having become vacant by the death of Mr. Rose, it was vested by reversion in his son, who being at present out of the country could not appear before them to take the oaths. In order to obviate the inconvenience which might result from his absence, he would move that Henry Cowper, esq. be authorised to affix his signature in the meanwhile to such proceedings of their lordships as required the signature of the clerk of the parliaments.

Lord *Holland* regretted the situation in which the House was placed, and intimated his intention of moving for a committee to inquire into the state of the clerks of the House. There was evidently something that required to be remedied in order to protect them against such an occurrence. Perhaps it might turn out, upon investigation, that the present clerk held situations which he was not authorized to hold without the direct permission of the House. At all events they owed it to their own dignity to inquire into the cause.

The Earl of *Liverpool* suggested that the regular course would be to move for a copy of the patent by which the appointment was made. He believed there were resolutions on the Journals prohibiting persons from holding certain offices who acted in the capacity of clerk of the parliaments.

The *Lord Chancellor* concurred in the propriety of the course recommended by the noble earl. He, as chancellor, was Speaker of their lordships House. Other Speakers had been appointed by letters patent in the absence of the chancellor, but if they had been absent also, the House must surely have a power to supply their place. The same reasoning would apply to their clerk. After complimenting the industry of the clerks in general, he concluded by expressing his opinion, that they should have a copy of the instrument under which the appointment was made, in order to know whether there was any body who had a title to the office, and should provide in the mean time for the discharge of its duties.

Earl *Grosvenor* said, that this circumstance confirmed him in the opinion he had always entertained of the necessity of inquiring into these offices.

The motion for granting a copy of the letters patent and that for authorising the signature of Mr. Cowper were agreed to.

HOUSE OF COMMONS.

Tuesday, January 27.

REPEAL OF THE HABEAS CORPUS SUSPENSION ACT.] The Speaker having taken the chair, several new writs were ordered, and the Clandestine Outlawry bill was, according to custom, read a first time. On the motion that it be read a second time,

Lord *Althorp* wished to occupy the attention of the House a few moments on the subject of the Habeas Corpus Suspension act. He thought it was of the utmost importance to the character of the House that the earliest opportunity should be taken of repealing that act. As it was necessary to give previous notice of any motion of importance, he did not consider himself warranted in then moving for leave to bring in a bill for the repeal of this odious measure; but he gave this notice, that to-morrow he would submit a motion to the House for leave to bring in such a bill.

Mr. *Arbuthnot* said, the noble lord would probably hear something in the course of the evening which might have the effect of inducing him to forego his motion.—Shortly after,

Lord *Althorp*, seeing lord Castlereagh in his place, wished to know from him whether or not he intended to move the immediate repeal of the Habeas Corpus Suspension act, because, if this was not his intention, he should himself submit a motion to the House on the subject.

Lord *Castlereagh* said, it certainly was in the contemplation of his majesty's ministers, as the situation of the country no longer called for the continuance of the measure to apply to parliament for its repeal. Notice to that effect would be given in that place where the bill originated.

State Trials in Scotland.] Lord *A. Hamilton* wished to take the earliest opportunity of calling the attention of the House to the late state prosecutions in Scotland. He gave notice that he would on that day fortnight submit a motion on the subject. As he did not wish, however, to bring the subject before the House in the absence of the Lord Advocate, he would, if any such wish was expressed, postpone his motion to a day more convenient to that gentleman.

Distressed Seamen.] Lord *Cochrane* wished to know whether or not the Lords of the Admiralty had come to the resolution of appropriating any part of the Droits of the Admiralty towards the relief of those distressed seamen, whose wretched state gave such pain to every person of any feeling.

Mr. *W. Dundas* said, he was not instructed to make any communication on the subject alluded to by the noble lord.

Lord *Cochrane* said, if a proportion of the Droits was not applied towards the relief of the persons in question, he would take an early day of bringing forward a motion on the subject.

Address on the Prince Regent's Speech at the Opening of the Session.] The Speech of the Prince Regent having been read by the Speaker,

Mr. *Wodehouse* said, that in moving the Address which the House usually voted to the throne at the opening of the session, he should ill discharge his duty, if he did not avail himself of the earliest opportunity of calling their attention to the deep distress in which a recent calamitous event had plunged his Royal Highness. We had lived so many years in a state of war, and our attention had been so much occupied by the succession of wonderful events to which that state had given rise, that our minds seemed, in some sort, diverted from the consideration of our own domestic affairs. The first event after the return of peace, in our domestic history, which was viewed with deep interest by the whole nation, was the virtuous alliance from which so many advantages were anticipated. From the gradual expansion of a mind of such strong native excellence as that of the illustrious princess, the nation were well warranted in entertaining the most sanguine hopes and expectations. The premature death of that Princess had suspended the hopes of the nation, and closed the bright prospects, the extinction of which was so feelingly lamented by all classes of this country. It would be wasting the time of the House, or even worse in him to attempt to describe to them a life so much entitled to their admiration—to attempt to paint the bright lustre which opened to their view. This would be a mockery of real feeling—it suited neither with the nature of the subject, nor the dignity of she House. Without intruding on the sacred sorrows of the illustrious father, they might assure him that parliament sympathized with him in his misfortune—that as they were associated with him in his hopes, they were associated with him in his grief. Nothing was more congenial to the British character than such a sympathy with the sufferings of the illustrious Person to whom they had plighted their allegiance. Their anxiety on such an occasion must be regarded as an indubitable proof of their attachment to the family on the throne of these realms.—In the Speech a variety of topics were introduced, all of which, from their importance, would become the subject of future deliberation, and therefore he should not trespass on their attention by entering into details. They had heard of our amity with foreign states—our prosperity and tranquillity at home—the stability of our credit, the improvement of our revenue. The picture was certainly flattering, but it was not coloured beyond what our national resources would warrant. Daily intercourse furnished to every man abundant proofs of the improvement which had taken place in the circumstances of our fellow-subjects. He should be grieved to think that he was either the victim of credulity, or that he spoke the language of delusion. Whether we looked to our agriculture, or to any other branch of our industry or commerce, there was no longer seen that stagnant langour and dejection—that feeling among men that they were struggling for existence with no hope of advancement. Now, instead of the former depression, there were every where seen that vigor and that elasticity which was the most satisfactory evidence of a real and substantial prosperity. The restoration of internal tranquillity was a subject on which the imagination loved to dwell. There was now a perfect restoration of content, and the hateful seeds of disaffection were banished from the land. The diffusion of religious instruction was also most properly under the royal eye, and an increased number of places of divine worship was recommended to our particular attention. There remained one or two material points in the Speech which ought not to be passed over in complete silence.—He alluded more particularly to the communication on the subject of the treaties entered into with Spain and Portugal for the abolition of the slave trade. If any thing could add to the importance of these arrangements, it was the consolation derived from the consideration of the narrow limits within which that traffic was now confined, affording a reasonable hope that it will soon cease to exist. It was a proud triumph to this country that an end to this most detestable traffic—the existence of which was condemned by the unanimous feeling of Christendom—was accomplished through the mediation of Great Britain. Of all the glorious achievements, of which she had so much reason to be proud, none would throw more lustre on her than the accomplishment of the universal abolition of this abominable and iniquitous traffic.—The hon. gentleman concluded with moving,

"That an humble Address be presented to his Royal Highness the Prince Regent, to thank his Royal Highness for the most gracious Speech delivered by his command to both Houses of parliament:

"To assure his Royal Highness that we fully share the great concern expressed by his Royal Highness at the continuance of his majesty's lamented indisposition:

"To offer to his Royal Highness the expression of our sincere condolence on that awful dispensation of Providence which, by the untimely death of her Royal Highness the Princess Charlotte, has visited his Royal Highness with an affliction so deeply distressing to his feelings both as a parent and a prince:

"That we should ill discharge our duty as affectionate subjects of his majesty, and as representatives of the people of the united kingdom, if we did not eagerly embrace this first occasion of testifying our participation in the general sense of this irreparable national loss, a loss which has come home like a private calamity to the hearts and affections of all descriptions of his majesty's subjects:

"That, reflecting on the hopes which we had fondly cherished, that the virtues displayed by this excellent princess in all the relations of private life, would hereafter adorn the throne, and would be transmitted through a continued succession of princes in his Royal Highness's august line, we find ourselves unable to express in adequate terms the profound impression of our regret and disappointment; and that while we trust that the Almighty will still continue to watch over the prosperity of a nation hitherto so signally favoured by his gracious Providence, we are duly thankful for the consideration which amidst his own sufferings, his Royal Highness has not failed to bestow on the effect which this sad event must have on the interest and future prospect of the kingdom:

"To congratulate his Royal Highness on the assurances which he continues to receive from foreign powers, of their friendly disposition towards this country, and of their desire to maintain the general tranquillity:

"To assure his Royal Highness, that it is in the highest degree satisfactory to us, to find that the confidence which he has invariably felt in the stability of the great sources of our national prosperity has not been disappointed:

"That the improvement which has taken place, in the course of the last year, in almost every branch of our domestic industry, and the present state of public credit, appears to us, as well as to his Royal Highness, to afford abundant proof that the difficulties under which the country was labouring were chiefly to be ascribed to temporary causes:

"That we rejoice the more in this important change, as it has withdrawn from the disaffected the principal means of which they had availed themselves for the purpose of fomenting a spirit of discontent, which unhappily led to acts of insurrection and treason; and that we indulge a confident expectation that the state of peace and tranquillity to which the country is now restored, will be maintained against all attempts to disturb it, by the persevering vigilance of the magistracy, and by the loyalty and good sense of the people:

"To return our humble thanks to his Royal Highness, for having directed the estimates for the current year to be laid before us:

"To express our satisfaction at the information which his Royal Highness has been pleased to communicate to us, that the revenue has been in a state of progressive improvement in its most important branches since we were last assembled in parliament; and to assure his Royal Highness that we shall not fail to direct our continued attention to the state of the public income and expenditure:

"To offer our acknowledgments to his Royal Highness for the attention which he has shown to the recommendations of the two Houses of parliament, in his endeavours to promote the abolition of the slave trade, and for his having directed copies of the treaties, which we are most happy to learn his Royal Highness has concluded for that purpose with the courts of Spain and Portugal, to be laid before us, the former immediately, the latter as soon as ratified: and to assure his Royal Highness that we shall proceed to examine these treaties, with every disposition to adopt such measures as may be found necessary to enable his Royal Highness to give full effect to the arrangements into which he has entered, for the accomplishment of this great object of our solicitude:

"To express our due sense of the deficiency which has so long existed in the number of places of public worship belonging to the established church, when compared with the increased and increasing population of the country; to thank his Royal Highness for having directed our attention to this important matter; and to assure his Royal Highness that we shall readily take it into our early consideration, deeply impressed as we are with a just sense of the many blessings which this country by the favour of Divine Providence has enjoyed, and with the conviction that the religious and moral habits of the people are the most sure and firm foundations of national prosperity."

Mr. *Wyndham Quin* addressed the House to the following purport:—

I am, Sir, so fully conscious of my own inability adequately to discharge the task I have undertaken, that I am anxious to seize the earliest opportunity of putting in a claim (I fear rather a large one) for your considerate and partial indulgence. But it is matter of great satisfaction to me to think, that there is nothing in this address calculated to provoke much discussion, and far less to occasion any substantial difference of opinion.

In the first topic, which laments the continued indisposition of his majesty, all must concur. Yet, Sir, even from that event, we may, I hope, draw this consolation, that it has, I trust, rendered it impossible his majesty should have been made acquainted with the deadly loss he has sustained.

It is now, Sir, nearly two years since an event took place which gladdened the hearts and brightened the prospects of every individual in this country. The heir presumptive of the British crown became the consort to a prince of an ancient and illustrious house; himself illustrious by being eminently good—distinguished and ennobled by the possession of those qualities which nature bestows with a rare and sparing hand. Such, Sir, is the brief and feeble sketch of a character which has obtained legitimate popularity without seeking for it, and acquired glory without ostentation. The sufferings of this excellent prince have been great; but let it be recollected, that if never calamity was more severe, or affliction more poignant, so never was sympathy more genuine, or feeling more universal and sincere, than that which has attended him. Whatever shall be the destiny of this amiable individual, let him at heart reflect upon this consolation, that he carries with him the blessing of every being who has a head to think, or a heart to feel.

But how shall I now deal with a topic that cannot be approached without emotion, or handled without pain? There are some subjects that wither under the hand of an unskilful artist, and therefore into the details of panegyric I will not and I cannot enter. Suffice it to say, it has pleased God to call her away who was the pride and hope of the country. If you would see how deeply she is lamented, you may read it in the characters of grief that darken every countenance you meet: if you would estimate how widely, how universally her loss is deplored, go where you will through the country, traverse it to the east, west, north, and south, and you will perceive in every quarter how that loss is felt and bewailed by all ranks as a domestic calamity. God has been pleased to take away the Princess Charlotte from us in the bloom and promise of her youth, but her name and her memory shall remain for ever, enshrined in the hearts and affections of the people.

But, in this universal tide of sorrow, whose grief can equal his, a father, who has lost his only and beloved child! I protest this subject presents calamity in so many and such various points of view, that I am unable to continue it; and I am sure there is not a gentleman whom I have the honour to address whose own feelings will not suggest to him all that can be said, and with much more eloquence than I can command.

I now come to touch, in a very general manner, upon the other topics contained in the address; and at a period like the present, that part of the Prince Regent's speech which directs particular attention to the deficiency which has long existed in the number of places of worship of the established church, is well worthy of his Royal Highness and of the parliament to which it is addressed; for the history of the last 30 years, and of those events which have convulsed and shaken Europe, has plainly shown how intimate the connexion is between the stability of empires, and the moral and religious habits of the people.

The House will, I am sure, receive with unmixed satisfaction the communication the Prince Regent has been graciously pleased to make of the friendly disposition of foreign powers, and the prospect of continued peace; for though I trust the day will never arrive in which Great Britain shall be either unable or unwilling to vindicate her cause in war, yet let it never be forgotten that the wisest object of legitimate war is, to obtain solid, honourable, and lasting pacification.

I do not wish, on the present occasion, to detain the House with figures or any details of finance, and I will merely say generally, that the improvement of the revenue, particularly in the last six months, when compared with the corresponding quarters of last year, has been considerable; and I must observe that that increase having been progressive, holds out a reasonable hope that it will be permanent.—The improvement in the internal state of the country, in its manufactures, its import and export trade, in that most important branch, the internal commerce, by means of its various rivers and canals, in the rate of the funds, the value of landed property, increase of the revenue, in short, in resources of all kinds, is evident to the most casual observer, and far greater than the most sanguine could have ventured to hope for. Last year strong men were to be seen in distress for want of work; now wages have advanced; industry, which is the staple foundation of national wealth, has a fair field spread for its exertion. The country, if I may so express myself, feels an increased circulation in every artery, in every channel of its commerce.—Last year the fires were extinguished in most of the iron works, now they are in full activity, and the price of iron has risen from 8 or 9 to about 14*l.* a ton. The demand for linen, the staple of the north of Ireland, is unprecedented both as to quantity and price. The funds are now eighty, last year about 63. Money is most abundant, and when lent at mortgage to good security, lowering in rate of interest, and to be had at 4½ per cent, at the same time that sales of land are effected at better prices than last year. Gold too has re-appeared, and the little request in which it is held, seems to declare, that a belief in the stability of our financial system is universal. Let me notice the return of confidence among all classes and descriptions of men;—the farmer, the manufacturer, the merchant, all seem to feel its vivifying influence. A confidence that the worst is past, and that every thing will still continue to improve, cannot perhaps be shown as wealth in a tangible shape, yet it is nevertheless very important, and has material influence on national prosperity; and now (thanks to the wise, precautionary measures that were taken) I may add to this picture the return of internal tranquillity and peace.

When we consider the blessings we have ourselves enjoyed, it is natural we should be desirous of transmitting them unimpaired to posterity; and all men will rejoice to find that the interests and forlorn prospects of the country, as connected with the succession to the Crown, now, even in the midst of his own deep affliction, occupies the serious attention of the Regent. The House knows that the connexion of the reigning family with this country is closely linked with British freedom, and that under the auspices of the house of Brunswick, we have advanced in arts, in arms, in civilization and commerce, and in the blessings of liberty; and the country looks, with anxious solicitude, and loyal affection to its permanent continuance on the throne, and though perhaps there is no immediate fear of the crown departing from the many descendants of the princess Sophia, yet it is of the highest importance that the inheritance should remain in our own British branch, and that the members of the royal family, who may be called to rule over these realms, should continue to be Englishmen in birth, in principles, and in feelings.

I have now endeavoured to give a short, and I know it has been a most imperfect sketch, of the improved situation and prospect of the country;—that improvement has been greater than ever took place within the short space of one year, within the memory of man.

But I must not forget to point the attention of the House to the treaties with Spain and Portugal for the abolition of the slave trade. They will be laid upon the table, and it will hereafter be remembered, to the honour of this country, that even in the midst of its own difficulties, distresses, and struggles, when fighting not only for the preservation of liberty, but of existence, that in such times, England was not deaf to the wrongs of other nations; that afterwards, when she had vindicated her own rights, and secured her own freedom, she shared with them part of her days of triumph; and not unmindful of the larger sphere of benefit she was enabled to convey, she attended to the interests of humanity, and the rights of human nature.

But let the House please to consider what our situation would and must have been at the present moment if we had pursued a different line, and consented, under any circumstances, to submit to peace with Buonaparté; hollow, insecure, and treacherous peace!—never did policy receive so trimphant a justification as that which rejected all compromise, which flung away the scabbard in contending with an enemy whose ambition was without moderation, and whose conduct had never yet been guided by good faith.

The country is now beginning to reap the fruits of that unrelaxing firmness in our councils, seconded by those magnanimous efforts in the country, that achieved not only our own security, but the total downfal and annihilation of the most tremendous tyranny that ever loured over the liberties of mankind. Now the greatest sceptic must cease to doubt that feeling, and the most timid to despond.

I beseech you to look where the country would now have been, stripped of its high attributes, and endeavouring to preserve, what at best could only have been an armed peace, with war establishments, and war taxes, instead of being where Great Britain is, upon the pinnacle of glory, a model and example to nations, placed, as your firmness has placed you, on the topmost round of your ambition, attracting at once the admiration, and perhaps the envy of the world.

Lord *Althorp* said:—Mr. Speaker; Extremely sorry should I be, when we are called upon to offer our condolence to the throne on the melancholy event which has lately afflicted the country, that any observation should escape from my lips, which might be in the least degree calculated to produce a difference of opinion as to the propriety of the Address moved, or disturb the unanimity which so happily pervades the House; nor shall I follow in detail the speeches of the hon. mover and seconder of that Address, farther than to protest against the inference they have attempted to draw, that the present improved condition of commerce, and the tranquil state of the country, are to be attributed to the measures pursued in the last session by his majesty's ministers. This is an opinion in which I, and probably many others, can by no means coincide; but as there will be many other opportunities for discussing this subject, I shall refrain from entering on it at present. I am, however, anxious to draw the attention of the House to a subject not forming any part of the topics embraced by the preceding speakers, yet necessarily connected with them, upon which I must premise it is not my intention to ground any specific motion. In fact, this is the only occasion when we are privileged to allude to particular grievances on the part of individuals, or make a complaint on behalf of our constituents generally, without intending to move a resolution or motion in form upon the subject of such grievance or complaint. Such has been heretofore the practice upon the reading of his majesty's speech at the commencement of the session, and I shall avail myself of it to make a few observations upon the late prosecutions instituted against a person named Hone, for libels. It is a subject of great delicacy, because the professed cause of those prosecutions, the parodies on sacred subjects, no man can justify. Let none suppose that in calling the attention of the House to the subject, I do not feel the extreme impropriety and danger of such publications. I strongly disapprove of them, yet in common with the bulk of the nation, I rejoice that an unsupported individual has triumphed over the extraordinary and uncalled-for severity of his assailants. Of the party prosecuted I know nothing, but as the editor of those reprehensible parodies on the forms of the established church, and as the very able and successful defender of what in themselves I cannot help thinking highly culpable productions.—By that defence he certainly prevailed upon the jury to acquit him, and with their conviction of his culpability or innocence I have nothing to do; but much may be urged as to the policy or propriety of the motives which actuated the attorney-general in bringing the publisher before the public by three several prosecutions *ex officio*. Perhaps had the matter been subjected to a grand jury, bills would have been found which would equally well have answered his purpose. Unquestionably, however, the hon. and learned gentleman had a right to prosecute in that form if he thought proper so to do. But what appears highly objectionable upon the part of the hon. and learned gentleman is, that after the acquittal of Mr. Hone upon the first trial he proceeded to try him upon a similar libel, as though he was desirous of appealing from the verdict of one jury to that of another.—Thus endeavouring to bring that which is the only competent authority to decide upon the subject, a verdict of a jury, into discredit and odium. The jury, notwithstanding that dubious cheer, I must always consider the judges of the law as well as the fact of publication in all cases of libel.—I will not impeach the capacity of the hon. and learned gentleman, for whom I entertain great respect; yet I cannot help seeking some explanation for the motives which induced him to press the question in this case—and hand the accused, after an acquittal, over to another jury. The result proved its impolicy. He was again acquitted. A third attempt to gain a verdict was then tried with equal ill success, and the sanction of three verdicts was thus given to a practice condemnable by all well-disposed persons, all through the injudicious zeal of the hon. and learned gentleman.—Had the case been otherwise, and the defendant been convicted upon the third trial, there can be little doubt his punishment would have nearly equalled those resulting from a conviction upon the three several informations; and yet in that case, he would have been acquitted by the majority of the juries. This mode of proceeding cannot be considered candid or liberal. An unfair advantage appears to have been taken of the accused, by subjecting him to reiterated trials, and reiterated and painful exertions.—Thus, although disposed to concede the magnitude of the evil likely to result from permitting the dissemination of such reprehensible publications, I cannot but think the hon. and learned gentleman's indiscretion has exposed the country to the chance of an evil of a much more alarming nature, had, during those trials, any circumstance occurred through his pertinacity which might have tended to lower and depreciate in the public mind and estimation the opinion hitherto entertained of the trial by jury.—Although I have felt it my duty thus early to express my sentiments upon this transaction, in conformity with the practice of the House, and the indulgence attending the opening of the session of parliament, by reading the speech delivered by the royal commission, I have been induced to do so merely with a view to perform a paramount duty, without feeling the least disposed to find fault with the substance of that Speech or the Address now moved for. In both these I heartily concur, and hope there will be an unanimous sentiment respecting their propriety.

The *Attorney General* said, he had not intended to trouble the House on the question before them, but he might be excused if he made some observations on that part of the noble lord's speech which referred to the prosecutions that had recently taken place. He was not sure that he had rightly understood the objection made by the noble lord to the proceedings against Mr. Hone; he was not sure whether he objected to the prosecution of the parodies altogether, or whether his objection was founded on the circumstance of Mr. Hone having been tried three times. Those who thought the parodies were altogether innoxious, and such things as were proper to be circulated, must of course disapprove of the publisher of them being put three times on his trial; but in his humble opinion, if any one of them was a fit subject for prosecution, unless a marked distinction could be made between that and the others, he should have failed in his duty to the public if he had not prosecuted the whole. He denied that there was any thing litigious in the course that had been pursued, any thing of resentment towards the individual other than that which his supposed delinquency might be expected to inspire in the mind of a public officer, who held himself bound to proceed against the party so offending. In his humble judgment, if any single individual publication of the three proceeded against was a fit subject for prosecution, it was the duty of the attorney-general to proceed against the whole. Was it because three separate and distinct libels,—three publications charged as libels at least,—had been sent forth by the same person, that two out of the three, on a verdict of acquittal being pronounced on the first trial, ought not to be prosecuted? This was a position which could not be maintained. If it were contended that some of them ought to have been prosecuted, and some not, then the question would arise as to which ought to have been proceeded against; but if all of them appeared to the prosecutor to be of the same nature, he would ask what inference would be drawn, if the public should see one or two selected from the number to be proceeded against, while those which remained passed unnoticed? The inference would be, that there were three parodies on the Church of England service: that the parody prosecuted was considered to be an improper one; but that the others, which it was not attempted to punish, were innocent, justifiable, and might be circulated at pleasure. He would appeal to the House if such would not be the inference that must be drawn from conduct like that which he had supposed. He admitted that because the man had been prosecuted for one libel of an injurious and mischievous tendency, and acquitted—he ought not on that account to be punished for a publication that was innocent in its nature; but in the case of Mr. Hone, it had certainly appeared to him, that the character of all the publications charged as libels was the same. He had understood the noble lord to complain of three prosecutions having been carried on against the same individual; if this were held to be be a matter of complaint, the noble lord must be of opinion that the publications were harmless.

Lord *Althorp* said, what he objected to was the conduct of the attorney-general in persevering in the prosecutions after the first verdict of acquittal.

The *Attorney General* stated it to have been the subject of serious consideration with him, whether, after the first verdict, it would be proper to go on, or to abandon the prosecutions, and the result was, a conviction in his own mind, that by giving them up he should be guilty of a gross dereliction of his duty to the public. Unless he had felt satisfied, from what came out on the first trial, that the publications were not what he had previously conceived them to be, and that he was mistaken in the informations which he had put upon the record, it was his bounden duty to proceed with the other two. And he now begged to say, that notwithstanding the verdict given by the jury—(he was always sorry to say any thing of verdicts given in a court of justice)—he had not been convinced, but far from it, that Mr. Hone was not guilty of a libel in the second publication, though he had been acquitted on the first. Though all the libels were of the same character, they were on different parts of the service of the Church of England, and were therefore fit subjects of distinct prosecutions. His mind had not been at all convinced, though by the law of England the jury had the right,—and God forbid they should not have it,—of deciding on the guilt or innocence of the party accused;—yet still he had not been convinced that the publications in question were not what they had been charged to be. On such matters every man was entitled to exercise his own judgment. Had he felt that he had been in error when he first proceeded against them—had the first trial produced this conviction on his mind, he should have felt it his bounden duty to stay the proceedings; but in the absence of such conviction, ought he to have abstained from proceeding with the second prosecution, because the first had failed? Was such the principle on which the administration of the justice of the country ought to rest? If it could be shown by the noble lord that he had persevered in the prosecution from malice, or from a spirit of revenge, then he might make out a charge against him; but if this were not made out or stated, he would say that his conduct had not been improper, and that to have withdrawn from the prosecution of two of the parodies after a verdict of acquittal had been pronounced on the first, would have been taken for a confession on his part, that the first proceeding had been wrong. Would it have been right for him to have made such a confession, when he had no reason to believe or to imagine that such was indeed the fact? Whether or not such was the opinion of other persons, was quite another question; but with the impression he had had on his mind, it was his bounden duty, after the result of the first trial was known, to bring the second publication under the consideration of a jury. To have acted otherwise, he conceived then—he conceived now, and he thought he should ever remain in the same mind, would on his part have amounted to a dereliction of duty, and he might in such a case have been justly charged with weakness, and unbecoming apprehension for the issue, if he had not taken a verdict on each of the publications.

Sir *Samuel Romilly* said, he agreed with every syllable of the address as far as he could understand it from hearing it read, and declared that he should be extremely sorry to say any thing that would interrupt the harmony of the House. There was one subject which should cause harmony to prevail on the present occasion, if any cause could have that effect. If ever there was an event of distress and calamity, it was that on which they had now to offer their condolence to the throne, the loss of the illustrious Princess who had engrossed the affections and engaged the hopes of the nation. But it was the privilege of members to introduce on that occasion matters which had happened during the recess, and especially if they proceeded from measures sanctioned by themselves; therefore the noble lord was perfectly in order, when he animadverted on the late trials, not so much as insulated events, but because they might be considered as part of the system of government now exercised. They threw great light on the extraordinary act which deprived us of the more valuable part of our constitution. Parliament was now called together under a public calamity; for what else was it to be called together under the suspension of the best parts of the constitution? He would not now say any thing of the promise of the immediate repeal of that measure. He only adverted to occurrences which threw light on the grounds on which the suspension was passed. There was no irregularity at this time in referring to that important transaction of the last session, the suspension of the Habeas Corpus. On that measure they had proceeded in some measure in the dark. The committees of that House, and of the other House (for the Lords' report had been communicated to them) had given their reason why they could not then disclose all the facts on which they had founded their judgment.—Some of the facts, they had said, would compromise the safety of individuals who had communicated them, and others might have an undue influence on judicial proceedings which were in progress. But events had since occurred which had thrown light upon the general assertions of those reports. He alluded to the proceedings at Manchester, at Derby, and in Scotland. All the evidence in all the transactions which had been made the subject of judicial inquiry, had tended to destroy the foundations on which they had in the last session proceeded. Not knowing whether any of the papers connected with those transactions would be laid before the House, he would now make a few observations on them. The proceedings at Manchester, it would be remembered, occupied a large portion of the last report of the secret committees. It was stated in both the reports, that a treasonable conspiracy of the most atrocious kind had existed at Manchester—that it had been in agitation by the idle and disaffected to attack the barracks and to burn the manufactories, solely for the purpose of destroying the means of work, and adding by general distress to the numbers of those who would engage in desperate plans. In the Lords' report the phrase was, "to make Manchester a Moscow." It was stated in those reports, that some of the conspirators were in custody, and he had then suggested that these persons should be immediately brought to trial. How had they been proceeded against? The causes were removed by *certiorari* to the court of King's-bench, to prevent a disclosure of the real nature of the charge against them, and at the next assizes in Lancaster, then his learned friend (Mr. Topping, who acted for the attorney-general, stated that no evidence was to be produced against them. Government knew from the beginning that no evidence could be brought against them by which they could be convicted, and therefore, turning the advantage they had gained against the people, for it was so, to their own account, they took credit for clemency, because they did not produce evidence which had never existed. It was declared that the prosecutions were discontinued, because every thing was tranquil, and the ministers were willing to show their clemency. But was it not sufficiently obvious, that this clemency was shown because there was not sufficient evidence to convict any one of them? If there was any truth in the statements of the report as to the atrocious measures of destruction which these men meditated, were they persons to whom clemency ought to have been shown? What! were persons guilty of conspiring to burn factories, attack barracks, and create a revolution to be discharged without trial, and without punishment? But though the country was so tranquil at that time (it was in September last), that it was deemed unnecessary to resort to the ordinary modes of legal trial, and the alleged offenders were discharged, yet those against whom there never had been supposed to be evidence sufficient to put them on their trials—those who had been arrested under the suspension of the Habeas Corpus, were kept in prison. So that those against whom there was the strongest case were discharged—those against whom there was the weakest case, were kept in confinement. The proceedings in Scotland he should not now enter into, as they would be made the subject of a separate motion by a noble lord behind him; but he should beg the House to bear in mind how much of the effect which had been produced on the House, had been occasioned by an oath which the lord advocate had read in his place. The person who had been said to have administered it, had been proceeded against on three several indictments, that he might not escape; yet at last he had been acquitted. He would say nothing at present of the extraordinary, unprecedented — unprecedented he was confident in England, and he believed even in Scotland—the unprecedented attempts to prevail upon another prisoner to give evidence against the accused. The next transactions to which he would request their attention were those at Derby. The result of the proceedings there he should not call in question, neither should he decide that the argument maintained with such extraordinary ability by the counsel for the prisoner, to give a large construction to the Riot Act of Geo. 1, was erroneous. There could be no doubt that the persons who suffered, whether guilty of treason or not, were guilty of a capital crime; Brandreth had committed a murder, and those who aided and abetted it, were in law equally guilty.—But the proceedings on that trial, more than any other, pronounced a full condemnation on the suspension of the Habeas Corpus.—In the first place, the Habeas Corpus had been suspended five months, yet it did not prevent those crimes. It was evident, too, how much care was taken on those trials to conceal the truth. No evidence of any proceeding prior to the 8th of June was suffered to transpire; although the attorney-general, in his opening speech on those trials, had said, that he could prove that Brandreth had meetings with the conspirators previous to the 8th of June, and it was his duty to have given evidence respecting them. It was not merely the guilt or innocence of the individuals accused that was at stake, but the character of the House, and the credit due to the government. Yet no evidence respecting those previous meetings was given. There was from this circumstance a strong presumption; and in his conscience he believed, from the information he had received, that the whole of that insurrection was the work of the persons sent by the government—not indeed for the specific purpose of fomenting disaffection—but as emissaries of sedition from clubs that had never existed. The crown lawyers, in making out their case, took care that it should not be ascertained how far this information was correct. The attorney-general having promised, in opening the trial against Brandreth, that he would prove his having been present at several meetings anterior to the 8th of June, was called on by the counsel for the prisoners to produce that evidence, on the first, on the second, and on the third trials, yet he persevered in the course which he had first adopted, of leaving all the previous proceedings in obscurity. Here too, they had a specimen of the exercise of the power given under the Habeas Corpus suspension act. It had been urged by those who opposed the suspension, that it could be of no use in cases in which powerful or distinguished men were not engaged in treasonable plots. To this it was said, that the leaders might be seized on the point of the breaking out of insurrections, and that the plans might be thus broken up. Now the ministers had previous information of Brandreth's designs, yet they did not seize him. He was suffered to go on till he had effected all the mischief in his power. Thus, upon the only occasion of the kind, the only use proposed to be made of the suspension was not made of it. The next subject to which he would advert, regarding the general conduct of administration since the last session, was, the prosecutions carried on against Mr. Hone, to which his noble friend had alluded. He did this the more willingly, as they made part of a connected system, and as the publications which they were instituted to suppress, composed part of the evidence on which the liberties of the country were suspended. The House would remember the use which had been made of those publications; the House would remember, that the late attorney-general (sir William Garrow), had stated in that House, that he had received a copy of one of these terrible parodies. He declared that it was monstrously blasphemous; and when some one begged him to read it, he replied that he would never consent to any thing so horrible, as to read in the House of Commons such a production, but that he would seal it up and lay it on the table, that any member who had a doubt on its tendency, or might desire to satisfy himself, might open the seal and read it. Yet, notwithstanding this delicacy and regard to public morals, his hon. and learned friend the attorney-general had proceeded in his endeavours to protect religion and morality, by multiplying copies of these parodies by thousands, and scattering them in profusion over all parts of the country. Before he commenced his prosecution, the parodies complained of had entirely disappeared—they had been suppressed by their author, and withdrawn altogether from circulation. It was stated by a witness on the trial of Mr. Hone, that he could not procure a copy by the most diligent search; and that a guinea was offered in vain for a work that had originally been published at twopence. These parodies, therefore, had been completely withdrawn, and had disappeared from public notice, when his hon. and learned friend thought proper to publish a new edition of them; and what was stranger still, on the pretence of preventing their publication. He had given them a permanent place in the history of the country, he had made them a part of its judicial annals, he had given occasion to collect all the parodies that had been published in former ages, to print them in one convenient little volume, and to hand them down to posterity. And why was this done?—Why were the prosecutions of Mr. Hone persisted in, if, according to the language held regarding the prisoners at Lancaster, the evil was stopped in November, and the state of the country had become so tranquil, and so satisfactory, as to enable administration to exercise with safety the royal clemency? His hon. and learned friend, it would appear from this proceeding, took credit for clemency when he could not get a conviction, and when he could get a conviction was willing to show no clemency. He (sir S. Romilly) did not mean to defend the publications in question; they were most offensive and reprehensible, though they did not amount to blasphemy, as they had been said to do elsewhere, though not in the prosecution. They were composed for a political object, and not for the purpose of attacking religion; but whatever was their object, their composition was most offensive and indefensible. To treat with levity the religion of the country, to hold up sacred subjects to ridicule by employing their language to promote political objects, and to inspire the minds of the people with a disrespect or contempt for those doctrines which should be respected for their importance to public morals by those even who did not believe them, was conduct that deserved the highest reprehension. His hon. and learned friend could not feel greater disapprobation of such publications than he himself, but he still could not see that his proceedings were justifiable. He (sir Samuel) was willing to believe that he (the attorney-general) was not stimulated to such prosecutions by vindictive motives, but he could scarcely otherwise explain his conduct. If the prosecutions were not vindictive, why were they undertaken? The publications themselves were stopped before he attempted to suppress them. This injudicious attempt brought them again into public notice, and gave them infinitely greater currency than they could have obtained in their original state, with a great mass of concealed, forgotten, and unknown parodies attached to them. He could not believe that his hon. and learned friend could have contemplated this consequence, and yet how could it have escaped him? Should he not have known, that on the trial, those parodies which had been before little known, or altogether forgotten, would be brought forward and circulated to an infinitely greater extent than if they had never been mixed with the proceedings of a court of justice? But, notwithstanding this natural anticipation, his hon. and learned friend had proceeded as if he could not give them currency enough; and after having seen the effect of one prosecution in bringing forward long-forgotten parodies, went on with the other two, as if with the intention of procuring an accession or others. Why was the second prosecution persisted in by his hon. and learned friend, after he had failed in obtaining a verdict on the first? Because, said he, the second parody was as much a libel as the first, and his relinquishing would thus have been a dereliction of his public duty. But was it the duty of an attorney-general to prosecute every thing that was prosecutable? If this was the case, he was imposing upon himself more extensive obligations than he was probably aware of, and might be led to carry his prosecutions to other quarters. If this was the case, it became his hon. and learned friend to look about him. But, instead of three prosecutions, would not one have been sufficient; and should not at least the verdicts given in the two former have taught him what was to be expected on the third? In the third, however, he proceeded, although the court of King's-bench, in a trial connected with the same publication, had considered it as less offensive than the two former publications, because the Athanasian creed was not held in such high respect as the Litany, and had been induced to award a less severe penalty, because the defendant had shown himself sensible of his error, and thrown himself on the tender mercies of the attorney-general. The least criminal of the parodies was the last prosecuted, and the prosecution was persevered in after a double failing, according to the explanation of his hon. and learned friend himself, because he thought it would have manifested weakness in him to have relinquished it. He meant nothing personal to the attorney-general. He was an agent of government, and doubtless acted on their views and by their instigation in bringing on the third trial. He was unwilling to believe that government themselves acted on any vindictive principles, but they must have had some reason for such extraordinary conduct. In searching after this reason, he was led to the discovery of an object, in which he hoped they were for ever defeated. He believed in his conscience that ministers, by urging these prosecutions in the face of repeated failures, wished to bring the trial by jury, that great safeguard of our rights, into discredit and contempt, that they might, by the assistance of a religious cry, be enabled, with less opposition, to lay restraints upon the press. He could not forget that in those vehicles of public opinion under the control of government, such a project was broached, and he was convinced that the destruction of that confidence generally reposed in juries was a preparatory part of the plan. If this was their object it was happily defeated by the firmness of the juries, combined with the good sense, public spirit, and active vigilance of the country. The trial by jury was one of the great bulwarks of our rights, and he could scarcely have believed it possible that any ministers could have entertained the idea or the wish to bring it into discredit with the nation, unless he had remembered other transactions and attempts which seemed consistent with such an object. He could not have attributed to them such a design, if he did not know that the ministers composed the same government that issued directions to the magistrates how they were to act in the discharge of the duty which the constitution assigned them, and promulgated laws never before understood, on the authority of the legal advisers of the crown; if he did not know that they were the same administration that suspended the Habeas Corpus in time of peace; if he did not know that they were the same administration that presumed to say that the names of those imprisoned under it were not to be revealed, and that the royal prerogative should be interposed, contrary to law, between them and the visiting magistrates, thus defeating an act of parliament; if he did not know that they were the same government who, after confining men for several months in prison without a charge, dismissed them without a trial, requiring them first to give security for their conduct, and when they refused such security, allowing them to depart without it; trusting to a bill of indemnity to cover their conduct, which bill of indemnity he would oppose, whatever hopes they had of obtaining it. He could not, in fine, forget that they were the same government who, conscious that they had exposed themselves to be called to a severe account by the country, had endeavoured to excuse their own acts by requiring these prisoners to confess that they had done wrong, by giving security for the peace. If their object, in the repeated prosecutions of Mr. Hone, was what he had stated, and what the whole tenour of their conduct justified him in believing, he was happy to see that they were defeated by the good sense and public principles of the people. If such plans had been ever formed, they had now proved abortive, and the religious cry by which they had got into office had not, on this occasion, turned to their advantage. He had thought it incumbent upon him to take the earliest opportunity of calling the attention of the House to the subjects to which he had shortly adverted, and he would have reckoned silence on the present occasion, the greatest dereliction of his public duty.

The *Solicitor General*, on an occasion when, according to the noble lord and the hon. and learned gentleman, unanimity was so very desirable as it was on this, he was surprised that such speeches should be made as had just been heard, and that this should be stated to be the only opportunity that would offer for discussing those topics which they had touched upon, when already a notice was on their table which would bring them regularly before the House, and when neither the Speech of the Prince Regent nor the speeches of the mover and seconder of the Address could have led any one to anticipate such a debate. The hon. and learned gentleman had asserted facts to have transpired since the separation of parliament, which had proved that there were not good grounds for the suspension of the Habeas Corpus act. His statement of the proceedings which had taken place at Manchester (his hon. and learned friend must excuse him) was not fair. He had assumed that the persons lately discharged on their recognizances, were the identical persons whom the reports of the Houses of Parliament last session charged with being engaged in a conspiracy to burn Manchester. He had thought proper to confound those persons who had been brought up to be tried for misdemeanors with those who were accused of high treason. He must know that those who had been arraigned, and against whom no evidence had been offered, were only those who had been called "the Blanketeers." They, though a bill had been found against them by the grand jury, had been dismissed, as the restored tranquillity of the country made it unnecessary to punish them, as it was believed that they were weak instruments in the hands of others, and as the imprisonment they had already suffered, and the contrition they manifested for their past conduct, made it probable that enough had been done, and that they might be safely restored to society. The next point to which his hon. and learned friend adverted, was, the trials at Derby. It was with surprise he had listened to any attempt to cavil at those proceedings. From the part that he had taken in those prosecutions, it was with reluctance that he alluded to them; but thus far he would assert with confidence, that no man who had attended to those prosecutions,—to the manner in which in every part they were conducted, but was convinced that a more satisfactory judicial investigation never took place. He denied that the attorney-general had stated in the first trial that he was in possession of proofs of meetings having taken place, at which Brandreth was present, anterior to the 8th of June. The attorney-general had argued in his opening, as he (the solicitor-general) had done in the reply, that from the situation in which Brandreth was found on the 8th of June, it was evident that prior meetings must have taken place. It was contended that the conspiracy could not have originated on that day in the public-house at Pentridge, but that previous arrangements must have been made to farther a treasonable plan, long before concerted, and laboured towards maturity, till at length the conspirators believed themselves capable of carrying it into effect. If previous meetings could be shown to have taken place, at which the agents of government were present, exciting the conspirators to rebellion, why had not this been shown by the prisoners and their learned counsel? Was it to be contended, because sufficient evidence was procured to satisfy a jury that high treason had been committed, that the prosecutor was bound to prove in evidence all that had passed among the parties before the crime was committed? If this were admitted, to this extent must the argument go, that conviction should not take place on satisfactory evidence of treason committed, because other evidence which the prosecutor might be able, or might not be able to produce, was not given to show what the conspirators had intended before.—He next came to the prosecutions for libel, to which his hon. and learned friend had so pointedly adverted. The noble lord and his hon. and learned friend had both admitted that these publications were improper, but that they ought not to have been prosecuted because, forsooth, the very prosecution had the effect of giving them greater publicity. If that objection was to be allowed any force, the more atrocious a libel was, the more pernicious to the public morals, the more dangerous to the public peace, the more reason there would be not to prosecute inasmuch as the prosecution of the offence was certain to extend the circulation. "But then," said the noble lord, "inasmuch as you persevered in the successive trials against Mr. Hone, you evidenced an intention to appeal from the verdict of one jury to that of another." There might be some foundation for that charge, if the successive trials had reference to identical libels, but that was not the case. They constituted different offences. If a man committed three different murders on the same night in the same house, would the acquittal on one murder constitute an argument against future prosecutions on the other indictments? That difference existed in the case of Mr. Hone: the offences were to be proved by distinct evidence. He was prepared to assert, that if a man sold three libels in the same shop, he might be prosecuted on an indictment which comprehended all the libellous publications. Yet if such a course had been pursued by the attorney-general, it would no doubt have been considered as extremely severe, and calculated to embarrass and confuse the defence of the accused. But what said his hon. and learned friend? He met the objection of the noble lord; he asserted that the second libel for which Mr. Hone was arraigned was much more improper than the first; he said that if he had to prosecute he would have selected the second publication as the one on which he would have proceeded. This view of the case might attach want of management to the attorney-general—It might impute to him the error of selecting his weakest case for his first effort, but it decidedly disproved the assertion of the noble lord, that the same offence was, after one acquittal, again pertinaciously subjected to the decision of another jury. The third publication had been admitted by the gentlemen opposite to be also improper: it constituted, in the opinion of his hon. and learned friend, only a lesser offence; that, however, was only his opinion.

Sir *S. Romilly* said, it was the opinion of the court of King's-bench.

The *Solicitor General* observed, that still it was an offence, and the court had visited it with punishment in the person of the printer. *Ex concessis* he had a right to assume that his hon. and learned friend would have tried Mr. Hone on the second publication. The objection therefore of their being identical publications altogether failed, and the prosecutors of the crown were bound in duty to submit each of the indictments to the verdict of a jury. On those verdicts it did not become him to offer any observations—they were not called for by the present discussion. It had been stated that the accused himself had suppressed these publications before the prosecutions were instituted against him; and thence it was contended, that the attorney general should not have proceeded. This would be a weak argument for abstaining from prosecution, even on the supposion that the suppression was complete; but here there was no such thing. Did not his hon. and learned friend know that the libels had been circulated through the whole country, that they were republished in many places, and that almost immediately before Carlisle had been punished for having printed what this defendant composed. Various prosecutions had been instituted. The libels were spreading in every direction, and therefore he (the solicitor-general) could not allow to go out to the public uncontradicted, that they had been completely suppressed by the voluntary exertion of their author. He really could not discover on what ground the noble lord and his hon. and learned friend could condemn the libels without approving of their prosecution. They were admitted on all hands to be wicked, reprehensible, and dangerous publications; and the officers of the crown would have abandoned their duty, if they had not endeavoured to stop their circulation, and to prevent the repetition of similar offences, by bringing their author to justice, and although it might not be practicable to administer the remedy without giving to the libels themselves a greater publicity, it was by no means to be contended that on that account the remedy ought not to be applied. No just ground of censure had been alleged against the conduct of his hon. and learned friend, the attorney-general, and he therefore could not see the necessity of the observations in which his hon. and learned friend, preceded by the noble lord, had indulged.

The *Lord Advocate* of Scotland said:—I beg leave, on the present occasion, to make a few observations, having been particularly alluded to by my hon. and learned friend opposite. I do not now mean to go into a review of the circumstances connected with the subject which he has introduced to the House; but, when the motion of which a noble lord has given notice is brought forward, I shall be prepared to show, that the charges insinuated by my hon. and learned friend are wholly unfounded. I will show, that the imputation of ignorance, in drawing up the indictment, is completely fallacious; and, from the issue of the trial—from the address of the judge to the prisoner, on his being dismissed from the bar, when the jury had returned a verdict, well known in the law of Scotland, as distinguished from a verdict of "not guilty"—I mean a verdict of "not proven"—I will substantiate the fact, that the oath to which I referred was taken by certain persons engaged in a traitorous conspiracy at Glasgow. With respect to another allegation, of far more importance, namely, that I acted corruptly, or that I suffered corrupt practices to be resorted to, for the purpose of influencing evidence, instead of the statement of my hon. and learned friend being correct, I shall be able to prove, that, so far from any thing corrupt having been done by me, or any other servant of the crown, on the occasion adverted to, we, in fact, did nothing, but what we could not have omitted doing, without being guilty of a gross dereliction of duty.

Lord *Archibald Hamilton* said, that notwithstanding the confident tone in which the learned lord had spoken, he was prepared to bring before the House such a case as would justify the strong epithets which had been applied to the transactions in Scotland. The learned lord said, he would be able to substantiate what he had last year stated to the House respecting the conspiracies and the oath. He well remembered that the statement of the learned lord was, that many hundred individuals in the city of Glasgow and its neighbourhood were involved in those criminal proceedings.* If this were true, how did it happen that the learned lord and all his colleagues had only brought forward one trial; a trial indeed in which two persons were involved, but still only one trial? On the present occasion, he would not anticipate the discussion in detail of those proceedings, for the examination of which a particular day was now fixed; but he would just tell the learned lord, that he was not the only person who was deeply implicated in those proceedings. The system on which they had been carried on was most disgraceful to the country; for it was a system of unjust accusation, of absurdity, and of inconsistency with the professions of the very men who acted upon it. As to the Address itself, he did not see any particular reason to oppose it.

Lord *Folkestone* said:—Unwilling as I am, at all times, to offer myself to the notice of the House, and feeling that unwillingness, in a peculiar degree at present, when symptoms of weariness begin to be manifested at the protraction of the debate; yet I think it my duty, reprobating, as I do, the conduct of his majesty's ministers during the recess, not to be perfectly silent on this occasion. With respect to the trials, noticed by those who preceded me, I shall say very little. Of those which took place in Scotland I shall say nothing whatever. But, with reference to the other trials, I shall merely say, that if any person who heard the statement of my hon. and learned friend, and the answer attempted to be given to it, did not feel convinced that the facts adduced by him stood uncontradicted, I think he must either not have attended to that statement, or his mind must be wilfully opposed to conviction. The hon. and learned gentleman opposite met the statement of my hon. and learned friend, with respect to the trials at Manchester, by saying, that the persons set at liberty were not those who had been taken up on the charge of conspiring to burn that town. My hon. and learned friend believes, and I also believe, that they were the identical persons. On what authority have we come to that conclusion? On the authority of the Report of the Select

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* See Vol. 35, p. 729.

Committee, which was laid on the table of this House; which report stated, that some of the persons implicated in the plot there adverted to, had been apprehended—and these, I believe, were the persons finally liberated. With respect to the trials at Derby, I deny the justice of the doctrine laid down by the hon. and learned gentleman. He says—"We conceive we did enough, when we brought evidence forward to convict these conspirators—we had no right to do more—we were not called on to adduce any thing that might lay open the real system, which, on that occasion, had been acted on—with reference to that, the public ought to be left in the dark." Now, Sir, I verily believe, that the crime for which those unfortunate men suffered was as much the production of Mr. Oliver—was as much the effect of the measures taken by his majesty's ministers—as any other transaction in which Mr. Oliver had taken a part. I believe it was the work of Mr. Oliver—the agent of lord Sidmouth, the instrument of ministers; and, if it was so, I do not envy them the triumph which seems to fill them with so much pride, of having convicted and executed those three miserable individuals.

With respect to the trials of Mr. Hone, no man could read them without clearly seeing, that either the government were influenced by that spirit of persecution, the existence of which his majesty's attorney-general denied, or else that they were quite incapable of properly carrying on proceedings of that nature. But what I most object to in these trials is, the degradation to which they tended to bring our courts of justice, and those to whom the administration of our laws is confided. Could any man, who wished to uphold the dignity of our courts of justice—who was desirous of supporting the honour and respectability of the expounders of the law—read those trials, and not feel, that the whole proceeding was calculated infinitely more to lower and degrade the dignity of our courts, and to hold up to contempt those who presided and those who practised, than the obnoxious publications were suited to throw ridicule on religion, or to produce impiety? I believe ministers, in following the business up, had two distinct objects in view; first, the persecution of Mr. Hone, whose conviction would, in some degree, bear out the assertion made during the last session, that the country teemed with blasphemous publications; and next, to ground some measure on the proceedings, for the purpose of impairing the trial by jury. This is my conscientious opinion; and I am sure I am not singular in maintaining it. But this was not the only step taken by ministers during the recess, that went to lower, in the eyes of the people, that which should always be viewed with respect and veneration and confidence—the administration of the law. The scene which occurred in the court of King's-bench, two or three days ago, sufficiently shows this. But of that I shall say nothing; because it will, perhaps, come regularly under the consideration of the House.—

I shall now allude to another transaction, in which I am more immediately concerned. I mean the case of the persons confined under the law for the suspension of the Habeas Corpus act—persons placed in solitary confinement, by order of his majesty's government, in direct opposition to the opinion of a court of justice. Ministers may say, that that court of justice is mistaken. But still it is a court of law, and ought to be held up to the respect, not to the contempt, of the people. I speak of the court of quarter sessions.

Now, Sir, to come to the Address. I cannot entirely agree to the sentiments contained in it. There is one part of it, which contains an expression of the approbation of the House of the measures of his majesty's government, and attributes the present improved state of the public feeling to their conduct. [Cries of "No, no!"] It so struck me, when it was read; and most indubitably, I do not agree in such a sentiment. [Cries of "No, no!"] I understand there is no such thing in the address, and therefore I shall pursue that subject no farther. There is, however, a promise in the Address, to agree in all that has been done with respect to Spain and Portugal; which I am by no means prepared to do. But, at a future day, I probably shall have an opportunity of stating my opinion on that subject, and I shall now say nothing respecting it. But, Sir, what I decidedly find fault with in this address is, the absence of a suitable expression of feeling—of such feeling as best becomes an English House of Commons, at a time when all our liberties are lying prostrate at the feet of ministers, when our freedom may be assailed by a secretary of state in a manner unprecedented at any former period of our history! Another thing which I object to in the address is its flatness—its want of point—its not bearing on specific objects, but dealing entirely on generalities. The hon. gentleman who seconded it says, "there is nothing in the address that can be objected to, and therefore I recommend it to the House." This is not the way in which addresses were formerly voted. The Speech from the throne ought to be a sort of exposition of the state of the country, with reference to its foreign and domestic relations. But lately a practice has prevailed, of making those speeches of a very flimsy texture. To use a common phrase, they are drawn up in a very "wishy washy" manner. This is done, in order to leave the House as little matter for discussion as possible. I complain of this system, and refer to the practice which prevailed in the time of king William, which has always been placed amongst the best periods of our constitutional history. If we look at the Journals we shall find, that when a speech was delivered from the throne, an answer was not returned on that day, but two or three days were suffered to elapse, during which the Speech was considered, and then an answer was given. There was a great deal of sense in this. For, as a speech from the throne contained a statement of the situation of the country, gentlemen could not be expected to make up their minds in a moment, on so comprehensive a subject; and, therefore, time for consideration was required and was conceded. It is curious for the House to observe, how, by degrees, this useful practice has been eaten out by the ministers of the crown; so that we are at this day called on to give our assent to an address, the echo of a speech which we have only heard read once. Before this practice was adopted, it was usual within his recollection for the Lords to meet at the treasury, and the Commons to assemble at the Cock-pit, where they heard the Speech read, which was intended to be delivered from the throne; and thus they came to the discussion, in some degree prepared to offer their opinions. I recollect before I came into parliament, it was the practice to have the Speech intended to be delivered from the throne, printed and distributed the day before it was to be pronounced; by which means gentlemen had some opportunity given them of analyzing its contents. But now we are called on to decide, without having any opportunity of considering the Speech or Address; and the apology always is, "O! it contains nothing; it pledges you to nothing; and, therefore, you may agree to it."

With respect to the lamentable event, which the whole country deplores, I cannot avoid expressing my surprise, that the same course was not adopted, as was pursued on the death of the late duke of Gloucester. On that occasion, a separate address of condolence was voted—it was not introduced amongst other matters—it stood alone, as it ought to stand—which, I think, was a much more respectful mode of proceeding than that which had now been proposed. I complain of the Address, Sir, because, as I said before, it contains nothing specific with reference to the state of the country—because it does not notice the situation in which we are placed, with our liberties lying prostrate before his majesty's ministers. There are many points wholly overlooked, which appear to me to be of the greatest importance. The expiration of the Bank Restriction act—if indeed it be allowed to take place—is by no means a light matter. The war in India, which is not mentioned, cannot surely be considered as a matter of trifling importance. There is also another act, which is almost as disgraceful, though certainly not so oppressive as the Habeas Corpus Suspension act, which will expire this session, and which I hope will never be renewed. I advert to the Alien act. This also was unnoticed. Now, Sir, with respect to the late princess Charlotte, I could wish that a more specific mention should be made. I could wish our grief for the irreparable loss which the country has sustained to be more decidedly marked. I am the more anxious to state my feelings on this subject, because I was, in some degree, the means of laying before parliament, matters connected with a branch of the House of Brunswick — which occasioned a right hon. gentleman, whom I did not see before, but who has just now taken his seat, (Mr. Canning,) to declare, that I was an enemy to the House of Brunswick.* I never was an enemy to that House—and, therefore, I wish to state my unfeigned feelings of regret at the deplorable event which has filled the country with grief—which has fallen with dreadful violence on the House of Brunswick—which has deprived it of its greatest ornament. I am the more desirous to call the attention of the House to this point, because the sorrow which has been manifested by all classes of the community, does away with the idea of that disaffection, which was said to exist in every part of the country. I am sure, Sir, if the last and greatest plague of Egypt had fallen on this country—if, on the breaking of the morning, we found one dead in every house—the sorrow of the people could not have been more poignant, or more generally expressed. The grief occasioned by this sad event has been universal: and the people, in their addresses to the throne, have stated their reason for feeling so acutely on the occasion. They lamented the loss of that bright promise of a virtuous and beneficent sovereign, which they had so long contemplated with feelings of delight. Every one of their addresses mentioned the private and public virtues of this amiable Princess. Every one of them eulogized the exemplary manner in which she filled each station, to discharge the duties of which she had been called, during her short but honourable life. If any persons believe that there are enemies to the House of Brunswick—if any persons think that disaffection towards it exists—they must be taught by the uniform conduct of the people on this melancholy occasion, that it is not directed against that part of it which is dignified by virtue. If there be hostility to any part of that House—and I do not believe that there is—let those who are the objects of it attribute it to themselves, and not to any base feeling of the popular mind.

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* See Vol. 13, p. 625.

Lord *Castlereagh* said, that if this was the only occasion on which many of the subjects touched upon during the present discussion could be debated, he might feel himself called upon to say something in answer to what had fallen from the noble lord and the hon. and learned gentleman opposite. But as numerous occasions would arise when those topics would come naturally before the House, and the examination of them be fully entered upon, it was not his intention to take up the time of the House in the discussion of any of the questions at this time. In saying this, nothing was farther from his thoughts than to complain of any hon. gentleman who had so far taken a part in the present debate as to express their deep feeling of that awful calamity which the whole nation deplored. He would be sorry to think there was any member in the House who could say any thing on this occasion without giving way to his feelings on that most afflicting subject. But other topics of a very different nature had been introduced; and one noble lord had, in the course of his speech, said what he could wish had been spared, but as the subject had been entered upon, he must protest against what had been said, as being likely to create an injurious feeling as to the administration of public justice; namely, that the condemnation and execution of the persons at Derby were brought about by the tampering of agents employed by government. This was not the proper time to enter into a full refutation of this calumny. But such a time would come, and he would undertake then to disprove the assertion as strongly and as completely, as that which was not the truth could be disproved. In the mean time, he would assert, that there was not a scintilla of evidence produced during the trials to implicate Oliver in the transactions of the criminals; nor was there any one circumstance connected with the whole proceedings, which in any way implicated Oliver, excepting the last words of one of the unfortunate men, and these were uttered under circumstances which must strip them of all title to notice. With regard to the matter immediately under the consideration of the House, his majesty's ministers were in no degree disposed to imagine that the view which hon. members on the opposite side took of their conduct was at all altered. They were persuaded that those hon. members would again assert that the state of the country was not such as to require those precautionary measures which had been adopted. An hon. and learned gentleman had insinuated that there was a conspiracy among his majesty's ministers, and that they intended to propose some measures to parliament totally repugnant to the principles of the constitution. He trusted, however, that there was no one in the House who would go along with that hon. and learned member in what he had said upon this occasion; for it savoured much of a disposition to misrepresent what was in itself sufficiently plain. He had already stated to the House the intention of his majesty's government with respect to the repeal of the bill which suspended the Habeas Corpus act. Upon that question when the proper time came, he would be fully prepared to enter into a discussion of the propriety of the course of policy which had been adopted. It was the intention of his majesty's government not to withhold from parliament the knowledge of what had been the state of the country since the last inquiry that was made into it. It was probable that on an early day he should have a communication to make to the House on this subject; and he trusted, when the inquiry he mentioned was made, it would be seen, that the measures adopted were not merely salutary, as being prudential and cautionary, but also that the state of internal tranquillity which enabled government to propose to parliament that an end should be put to that law, was owing to the timely adoption of those very measures.—In passing over the various topics which had been brought into the debate, relative to the exercise of the powers conferred by that law, he wished it to be understood, that he did so only because a more proper time would occur for entering upon the discussion of them: and he assured the noble lord, that ministers were not disposed to shrink from that discussion; on the contrary, they felt convinced it would be in their power to satisfy parliament and the country that those powers had been exercised with a proper discretion; that if the powers so entrusted were unusually great, they had been used in mercy and in justice; that in the exercise of these powers, the government had not shrunk from the performance of a faithful duty; and that having so happily carried the country through dangers certainly very considerable, they could now congratulate it on having escaped such danger. In saying this, he did not wish to lull the country into a feeling that there was now absolutely no danger, and that the peril was quite gone by. The happiness was, that it was so much diminished, that extraordinary powers were no longer necessary to overcome it. Upon the other parts of the Speech, he had only to remark, that the picture they afforded of the state of the country was most gratifying and consolatory, beyond what could be given of any country under similar circumstances. Perhaps no instance could be produced in the history of nations of a revival so rapid from a state of extreme distress. On these grounds he trusted that whatever difference might prevail as to the policy of the measures pursued by his majesty's government on a general view of the state of the nation and the topics treated of in the Speech, no such difference of opinion would prevail as to the Address, as would disturb the unanimity of the House.

Mr. *Bennet* expressed his entire concurrence with the noble lord behind him, as to the conduct of his majesty's ministers; for he could assure the House, he was prepared to prove, upon the proper occasion, that notwithstanding those confident assertions by which ministers contrived to persuade some gentlemen to agree to their measures of restriction upon the liberty of the subject, the greater part, if not the whole, of the disaffection which formed the ground work of their proposition, was created by emissaries employed and paid by ministers themselves. [Hear, hear!]

Mr. *Brougham* did not wish to protract the debate, but he could not refrain from saying a few words, though without any view to disturb the unanimity of the House. That part of the Address which stated the sorrow of the House for the great and irreparable calamity which the nation had sustained, met with his most hearty concurrence. The very mention of such a subject was a sufficient reason for excluding any other topics which might tend to disturb that unanimity which was so desirable on such an occasion; but if any thing were wanting to confirm that unanimity, it might safely be presumed the speech of the noble lord who had but just sat down, must have had that effect. For it appeared that the points on which it was most likely that a difference of opinion would arise—namely, the transactions which had taken place since the last report of the secret committee, were, at a very early period, to come under discussion. And he gathered from the speech of the noble lord this most gratifying conclusion—that it was at length the intention of his majesty's government to produce evidence as to the state of the nation before a committee of the House, before which also witnesses might be called and examined; so that in the course of the examinations which would then take place, they would hear, on the one hand the evidence on which ministers had acted, and, on the other hand, they would hear that evidence on which his hon. friend who spoke last, undertook to prove that the representations of government were incorrect. Until this inquiry took place, it would be premature to enter into any farther discussion of the subject. As to the state of the country, and the measures which had been adopted, his opinions remained unaltered. Nothing had come out to shake his opinion, that the evidence and want of evidence showed that those measures were quite uncalled for by the state of the country. As to the other topics in the Address, he remarked that it said nothing as to the causes to which the improvement in the state of the country was to be attributed; nor did it say any thing implying a pledge that the House would approve the treaty with Spain. If it did, there would be cause enough to disturb the unanimity of the House; but in his present view of it there was no such cause.

Lord *Castlereagh* rose to explain, and observed, that the hon. and learned gentleman was mistaken if he supposed that it was intended by ministers to propose the constitution of any committee, different in character from those which had taken place last session upon the subject alluded to.

Mr. *Brougham* could not but express his regret at having been mistaken as to the intention of the noble lord with respect to the mode of the promised inquiry. He still anxiously hoped he had not so far mistaken the noble lord, as that the inquiry would turn out to be merely an examination of documents prepared by government and sent down to the House in a green bag. If that was to be all, it would be a mere mockery.

Lord *Cochrane* thought the Address extremely unsatisfactory, inasmuch as it held out no promise of economy or retrenchment. How different was this composition from the Speech of the American president, which had lately appeared in the public Journals. In that speech, from the chief ruler of a nation which our ministers threatened and sought to destroy in the late war, there was a distinct recital of evidence to prove its general improvement. In the Speech before the House there was no doubt a confident assertion of national prosperity, but no specific instance of that prosperity was alluded to. The reason was obvious; for no specific instance could be cited. That, indeed, was impossible amidst the misery that universally prevailed, while the revenue was notoriously deficient, while the work-houses were crowded with paupers, while the streets were thronged with starving seamen, and the poor-rates advanced beyond any former precedent. If any evidence were adduced to establish the fact, that the country was in that state of prosperity which this Speech alleged, ministers might have something to offer in their defence, or rather in proof of the energy and industry of that people whom their misconduct and extravagance had been unable to break down. But what had those ministers presented in atonement for their delinquency? Why, truly, a recommendation to build churches. This, however was not a new expedient; for it was the practice of sinners in all ages to build churches. If, indeed, ministers had proposed to enlarge the jails or the alms-houses, where at least the inmates might be saved from starving, or to do any thing for the solid benefit of the public, they might lay some claim to praise. But their allegation of prosperity, and their proposition of improvement was really a mockery of the public understanding. It was obviously impossible that any country could go on in the state in which England was at present, with a falling revenue and a starving people—with a greater degree of misery among the population, than was to be found under any arbitrary government which the British ministers might desire to imitate. For in no nation in Europe, not even in Spain, Italy, or Portugal, could such mendicity and wretchedness be found as were at present daily witnessed in the public streets of this vast metropolis. For the reasons he had mentioned, he could not hesitate to pronounce this Address a direct insult to the feelings and to the understanding of the country.

The Address was agreed to *nem. con.*

HOUSE OF LORDS.

Wednesday, January 28.

HABEAS CORPUS SUSPENSION REPEAL BILL.] Lord *Sidmouth* presented a bill for repealing the act passed in the last session of parliament, to empower his majesty to secure and detain persons suspected of conspiring against his majesty's person and government. Having read the title of the bill, his lordship moved that it be now read a first time. The bill was accordingly read a first time. After which, on the noble lord's motion, the standing order relative to the progress of public bills was suspended. On the motion for the second reading of the bill,

Lord *Holland*, though he certainly did not rise to oppose the motion, could not avoid saying a few words on the circumstances which had led to it. His majesty's ministers had dwelt on the difficulties they had experienced from the dangerous situation of the country, and he was ready to acknowledge that, in proposing the present measure, they had done more than he expected from them; but whatever might have been the difficulties of the times, the bill which was now about to be repealed, he would assert, had been one of the greatest calamities the country had experienced. Last year, parliament had consented on the representation of his majesty's ministers, supported by erroneous and imperfect evidence, to sanction the measure they were now about to repeal. Their lordships had then allowed themselves to be surprised into a course, on the adoption of which it was pretended the safety of the country depended. His majesty's ministers had been either actually the tools of wicked and designing men, or had been led away by the desire of obtaining undue power to themselves. Believing, as he did, that the whole of their lordships' proceedings in passing the act for suspending the Habeas Corpus had rested upon garbled and unfair evidence, he must state that he could not be satisfied with the mere repeal of that act, and that he thought an inquiry into the grounds on which it had been passed ought to be instituted. No proceeding could have been more dangerous to the true interests of the country, than that to which their lordships had given their sanction on evidence so totally imperfect. The right which had been suspended, he wished to remind them, was not one which had been granted by any act of parliament whatever. The personal liberty of the people was no concession. It was a right antecedent to any statute, and equal to the right of their lordships to vote in that House, or to the right of the king to sit on the throne. He did not mean to say that there was any absolute limitation to the power of parliament on this subject, when circumstances rendered such a stretch of power indispensable; but he did say, that to suspend this right of the people was an act of as great violence as to suspend the prerogatives of the crown, and could only be justified by the clearest evidence of the most overwhelming necessity. Consistently with this view, he thought their lordships could not let the matter pass over with the mere repeal of an act which had been so unjustifiably passed. It was their lordships duty to show, that a law which deprived the people of their most important right, of personal liberty, was a calamity which was not to be inflicted without proof, or without some subsequent proceeding, which would demonstrate to the latest posterity, that they considered themselves pledged to guard against such unjust encroachments in future. He trusted then, that parliament, when all pretence of any danger from investigation should be over, would institute an inquiry into the nature of the evidence on which the act of the last session had been passed. The evidence on such an inquiry must not be of the *ex-parte* and suspicious nature which their lordships were induced to accept of last year. It must not be evidence prepared by persons seeking power, or wishing to retain it. Nothing could be satisfactory, and nothing would satisfy the country, but a fair and impartial investigation. A full examination into all the circumstances which took place at the passing of the act, and of all which had occurred since, was what the occasion demanded, when the liberties of the people had been so violently invaded. He trusted it was unnecessary for him to urge the importance of this right on their lordships' minds, but he could not help dwelling upon it. He must repeat, that it was the most ancient of all the rights of the people of this country. It rested neither on the Magna Charta, the act of Habeas Corpus, or the Bill of Rights, though it was reasserted in them. The act of 1672, in the reign of Charles 2nd, by which it was legislatively enacted, did not constitute the right. The ancestor of the noble lord, whom he now saw before him (the earl of Shaftesbury), then stood up, honourably and manfully for this best right of the people, and contributed greatly to that measure by which it was confirmed. And at what time was that important act passed? At the moment when the House of Lords and Commons were in a state of the greatest alarm from the apprehension of plots and conspiracies. Afterwards, when the whole country was thrown into consternation by the popish plots—whether true or false, he did not at present pretend to determine—no idea was started of repealing the Habeas Corpus act. Neither the Rye-house plot, nor any other plot, had been thought sufficient, even in those convulsed times, to warrant the legislature in depriving the subject of personal liberty.—Returning to the act of last session, he must again assert, that no ground for it had been laid at the time it was passed, and nothing had since occurred to show that there was any thing in the state of the country which called for it. Where was any disturbance or conspiracy to be found that could justify such a measure? It was not to be found in any of the legal proceedings which had taken place in the metropolis, nor even at Derby. Did it appear in any of the proceedings which had taken place in Scotland? A dreadful oath—an oath which was not fit to be publicly stated—it was said, had been taken in that country by the disaffected ministers, it was asserted, had the fullest evidence of a most extensive conspiracy, but which evidence they did not choose to disclose. Well, their law-officers proceeded to try these conspirators, and oath-takers in Scotland. At first, their indictment was wrong; a new indictment was preferred; but, after all, they failed in proving that any illegal oath had been taken. None of these proceedings afforded any appearance of a necessity for the measure which ministers had recommended and which parliament had been induced to adopt. But the noble earl opposite, had declared that he was ready to prove, not only that the measure was justified by the state of the country at the time, but that it had been productive of the greatest advantages. That the country was in better circumstances now than last year he was happy to believe: but whatever improvement had taken place, certainly was not owing to the suspension of the Habeas Corpus act. Were the truth of this assertion of ministers to be admitted by their lordships there would be no longer any security for personal liberty. On any future occasion, when desirous of obtaining an undue increase of power, if they could persuade parliament to suspend the Habeas Corpus act on *ex-parte* evidence, they would have nothing more to do, supposing the state of the country to have, from other causes, improved, than to come forward next year, and say, "You see what advantages have been derived from following our recommendation." On the contrary, if it should happen to be followed by discontent and distress, ministers would thereby acquire an argument for prolonging their undue authority. They would say, "You see now the measure we called for was necessary, and that the suspension of the law must be continued." Nothing, however, could excuse such a measure, but an evident proof of its necessity, founded on a full and impartial investigation. Last session their lordships had heard much of blasphemous productions: but had these productions been put down by the suspension of the Habeas Corpus act? It was not said they were now in circulation. Was it the three-fold prosecution of Mr. Hone which ministers had tried against them, that had produced this effect? This was certain—that with respect to these publications, things remained in the same state as last year; and if they were no longer a subject of complaint, it could not be owing to any of the measures of the noble lord. With regard to that prosecution, it was not his wish to say much, lest any thing which might fall from him on that subject should be taken as a vindication of the species of publication against which the prosecution was instituted. So far from wishing to vindicate that sort of writing, he rather thought it ought, in point of good taste as well as of decency, to be discouraged. At the same time he could not help saying, that these prosecutions bore about them such marks of hypocrisy as he had never before witnessed. Was there any man in the country so weak as to believe, that the writer of the parodies against which ministers had manifested so much indignation, would have been questioned had he ridiculed persons in opposition to the government? His friends had often been made the subject of such satire, and yet, on those occasions, the government never thought religion so endangered by such publications as to render it necessary for the attorney-general to prosecute them. He recollected a parody published by those connected with the noble lord's administration, against persons in opposition, of which the words of our Saviour himself were the subject. Now, wishing to speak with all respect of the liturgy of the church of England, he should only say, that he thought it most extraordinary that prosecutions should be instituted for parodies on it, while parodies on the words of the scriptures themselves were allowed to pass unnoticed. He recollected a parody, which had been published in all the ministerial newspapers of the time, against the late Mr. Paull. It was of the most disgusting nature, and yet no notice had been taken of it. When it was so evident to all the world, that the prosecutions brought against Mr. Hone had been instituted for political reasons only, it was impossible for the country not to despise the hypocritical pretences under which they were brought forward. This was an unavoidable consequence which ministers must endure; for, in order that motives should be respected, it was necessary that they should be truly respectable. It did not become any administration to inflict severe punishments on one set of men who might be hostile to them, for the same kind of acts which they viewed with indulgence when committed by others in their favour. To return to the question of the suspension of the Habeas Corpus. It was an act of the most pernicious tendency to suspend the personal liberty of the subject in a time of profound peace, and formed a precedent of the most lamentable tendency. Such acts left rents in the constitution which could not afterwards be closed. He trusted, however, that a strict inquiry would be made as to the manner in which this act had been executed. He had heard that it was intended to appoint a committee to investigate what had taken place since the last session, and if that was the case, he trusted it would not be a committee to take upon trust the statements of ministers, garbled and imperfect, but that, on the contrary, they would examine *vivâ voce* testimony, and not merely the agents of, or the witnesses sent by government, but whatever witnesses they themselves should think proper to call. To enter into such an examination closely and attentively, and with a determination to get at the truth, was the only atonement they could now make for having suspended the liberty of the subject, and placed powers in the hands of the ministers, upon the pretences that had been urged, that had been harshly and oppressively used.

Lord *Sidmouth* said, he did not expect that the noble lord would have thought it necessary, on the present occasion, to address to their lordships observations of the nature of those they had just heard, though he was aware that the circumstance of such a bill being on the table left the noble lord at perfect liberty to adopt the course he had taken. The noble lord had stated, that there was no necessity for the act of last session. Of this assertion, he should only say, that the report made by the committee appointed by their lordships, and on the authority of which the act was passed, afforded its complete refutation. The noble lord had also asserted, that the evidence produced by ministers was garbled, and that information which ought to have been communicated to the committee was withheld. He well knew that the noble lord was incapable of stating any thing which he did not in his conscience believe to be true, but he could assure their lordships that every kind of information which could with propriety be laid before the committee had been produced to them, and that nothing had been withheld which was necessary to enable them to arrive at a fair and proper conclusion on the question submitted to their consideration. The noble lord also denied that the act of last session had been of any advantage to the country. In the Prince Regent's Speech, it was true, only the other causes which had contributed to the returning prosperity of the country were mentioned, but it did not follow that great benefit had not been derived from the suspension of the Habeas Corpus act. There never was a greater contrast exhibited by the country than that which the comparison of its present state with that of last year afforded; and he would now maintain, and if the occasion should arrive, would prove, that the act of last session, had mainly contributed to this result. The effects it had had in many parts of the country did not rest on assertion: they were already proved. The magistrates and persons best informed in the county of Leicester, stated, on their own knowledge, that the passing of the suspension act had produced tranquillity in manufacturing districts where the greatest alarm for the peace of the country had previously existed. In another place, where there had been a more formidable manifestation of treason, the good effects of the measure had been still more apparent—he meant that insurrection in consequence of which a bill of indictment had been found against the offenders who were tried at Derby. On that occasion, ten of the persons accused fled; four were sentenced to suffer death; and in all, thirty-one confessed themselves guilty of treason, some of whom were transported, and the remainder pardoned. These men, besides making a confession of their guilt, gave certain information, that an insurrection of a much more formidable nature than that in which they had been engaged was in contemplation, and would infallibly have taken place had not the Habeas Corpus act been suspended. It was that measure alone which had deterred them. Thus it was proved by incontrovertible evidence, that the measure for which the noble lord contended there was no necessity, had preserved the peace and tranquillity of the country. Much stress had been laid on the destitute condition and humble circumstances of those who had last year disturbed the public peace: it was true that their means were very inadequate to the objects they had in view; but even had they never expected fully to effect their purposes, was there no medium between the holding of their seditious meetings, and a state of things in which the throne itself was exposed to tumultuous attacks? The truth, however was, that many of the movers in those lamentable disturbances, were far from being men of mean or contemptible talents; and possessed powers of writing and expression by which they exercised a very considerable degree of influence over the lower classes. It was entirely attributable to the withdrawing the influence of these men by the operation of the suspension act, that no convulsions had since taken place in that part of the kingdom to which he had alluded, and which had before been disturbed by the events that led to the trials at Derby. As the noble lord had adverted to the trial of Mr. Hone, it was necessary that he should make some reply to what had fallen from him. He had, indeed, little expected that any complaints would be made in that House on the subject of this prosecution. Great complaints had been made both in parliament and out of it, that ministers had delayed to prosecute a number of offences of this description: they were loudly called on to do so, and they yielded at length to the call, not from hypocritical motives, not from a pretended regard to religion, but because they saw, in the progress of disaffection, that the same means were pursued to alienate the affections of the people from their government, as had been resorted to with such fatal success in a neighbouring country—he meant a continued attempt to sap the religion and morals of the community, and render contemptible in the eyes of the people every thing that was sacred and established. He was willing to admit that government never showed its wisdom more than when it knew what offences to overlook, as well as what to prosecute; but he thought the prosecution in question peculiarly called for by the circumstances of the times, and the insidious attempts of the disaffected. Recurring to the subject of the Habeas Corpus, he was unconscious of any harsh or cruel exercise of the powers entrusted to ministers. The responsibility for the due execution of the act of course chiefly rested with himself; and he could only say that he had anxiously endeavoured to do his duty, that he had acted to the best of his judgment, leniently but firmly, "nec temere nec timide"—that he had only in view to prevent the threatening danger, and had not been the means of depriving individuals of their liberty, any farther than the necessity of the case required. As to the panegyric that the noble lord had passed on the privilege of Englishmen to be called to trial, and publicly charged with the offences of which they were suspected, his majesty's ministers had shown their respect for these glorious and exalted rights in the proceedings of that day. The act then under their consideration did not expire until the 1st of March, and there was no record on the Journals of the House, that an act of that description had ever been repealed, or not suffered to run out to its utmost limit. But his majesty's ministers admitted that nothing could justify the continuance of such an act but the necessity which originated it, and when that necessity ceased, it was due to the legislature and to the people of this country to repeal it forthwith. But in recommending this repeal, it was not that his majesty's ministers considered there was an absence of all disposition to disturb the public peace: that was far from being the case; there was a sufficient number of daring and unprincipled individuals, both in and out of the metropolis, who were ready to seize every opportunity of exciting and continuing disaffection and tumult. But the mere existence of bad men ready to excite and promote confusion, was not of itself a sufficient reason for suspending one of the great bulwarks of our constitution, unless those men had also the power of carrying their designs into execution. That they possessed that power last year was admitted by the vote of their lordships, and the bill they had passed; but the means of evil in the hands of these men were so abated, that the means of reducing them ought also to be left to the power of the law and the magistracy of the country. He should not detain their lordships any longer. It was the intention of the Prince Regent to lay before their lordships papers touching the internal state of the country. It would be for their lordships to decide how they should be disposed of. Many opportunities would arise, in the course of the session, of discussing the measures lately resorted to by the government, and on the propriety of those measures he was ready to state his unshaken conviction.

The bill was then read a second time, the commitment negatived, and the bill ordered to be engrossed. The engrossed bill was brought into the House almost immediately. It was then read a third time, passed, and ordered to be sent to the Commons.

HOUSE OF COMMONS.

Wednesday, January 28.

STATE TRIALS IN SCOTLAND.] The *Lord Advocate* of Scotland, having learned that a noble lord had yesterday fixed his motion on the subject of the state prosecutions in Scotland for that day fortnight: but had expressed, at the same time, a wish to consult, as much as possible, his (the lord advocate's) personal convenience, by naming any other day that might be more suitable to him, he now informed that noble lord, that as far as his personal convenience was concerned, he would not call on him to alter his notice; but the noble lord must be aware, that the absence of an individual in the situation which he filled, for any length of time, must be attended with great inconvenience to others, as well as to himself. The courts in Scotland were all sitting at this time, and in the court of exchequer the presence of the king's advocate was more particularly necessary. He was quite anxious and ready to go immediately into the question. If the noble lord could bring it on in the beginning of next week he should be ready—or indeed any day during the week; but if the noble lord could not bring his motion on next week, he hoped it would be postponed till after the rising of the Scotch courts.

Lord *A. Hamilton* said, the learned lord had placed him in rather an awkward predicament. It must be manifest to the House that this was not a question between himself and the learned lord. He was willing to postpone the question to any day, not exceeding a month or five weeks from the present time. But the learned lord asked a delay of a much longer period. The court of session would not rise till the 12th of March, and from the time when the learned lord could reach London to the Easter holydays, there would only be one single day for his motion, namely, Tuesday, the 17th of March. Now he would ask, if it was a fair thing to request of him to consent to such a delay? With respect to the other request of the learned lord, he, for his own part, could have no objection to accede to it, if he were the only person interested in the question, but if the subject was brought on so soon, it would prevent some members from taking a part in the discussion, who had been informed that the motion would not come on before a certain day, and who could not have an opportunity of being informed of his change of intention. He was quite willing, however, to put off his motion for three, four, or even five weeks.

The *Speaker* observed, that it was extremely unusual to accelerate a motion of which notice had been given, by fixing afterwards an earlier day. Such a mode of proceeding was not consistent with the practice of the House, and would be attended with great inconvenience.

Here the conversation dropped.

POOR LAWS.] Mr. *Curwen* rose to inquire of the noble lord opposite, whether it was the intention of his majesty's government to bring forward any motion for the amendment of the poor laws in the present session? There was not a subject of more vital importance—no measure could tend more to produce that prosperity which he wished to see spread over the face of the country, than a wise revision and alteration of the poor laws. He was surprised that it had not been mentioned in the speech from the throne; and certainly, if it had not been for the melancholy topic contained in that Speech, which filled all ranks of the people with regret, he would have made some remarks on the omission. He conceived that government ought to bring forward a measure on the subject; for so great a difference existed as to the plan which ought to be adopted, that he despaired of seeing any measure connected with the poor laws carried into effect, unless it originated with ministers, and was supported by their influence.

Lord *Castlereagh* thanked the hon. member for calling the attention of ministers to this subject. He did not conceive, however, that the introduction of it was necessary in the Speech from the throne. From the zeal with which parliament had taken up the question in the last session, ministers thought it would be improper to interfere with it, until the legislature had brought the business to a satisfactory conclusion. He was of opinion, that the subject ought to be taken up on its own merits, and not as a government question; but ministers would feel it their bounden duty to use their utmost exertions, in order to bring the matter to a satisfactory result. A right hon. friend of his (Mr. S. Bourne), who filled the situation of chairman of the committee on the poor laws, intended to move the revival of that committee; and he hoped they would not abandon the subject, until they had effected every practical good that could fairly be desired.

COPY OF THE TREATY WITH SPAIN FOR PREVENTING THE SLAVE TRADE.] Lord Castlereagh presented, by the command of the Prince Regent, the Treaty with Spain, of which the following is a Copy:

TREATY between his Britannic Majesty and his Catholic Majesty, for preventing their subjects from engaging in any illicit traffic in slaves. Signed at Madrid the 23rd of September 1817.

In the Name of the Most Holy Trinity;—It having been stated, in the second additional article of the treaty signed at Madrid on the 5th of July 1814, between his majesty the king of the united kingdom of Great Britain and Ireland, and his majesty the king of Spain and the Indies, that "his Catholic Majesty concurs, in the fullest manner, in the sentiments of his Britannic Majesty, with respect to the injustice and inhumanity of the traffic in slaves, and promises to take into consideration, with the deliberation which the state of his possessions in America demands, the means of acting in conformity with those sentiments: and engages, moreover, to prohibit his subjects from carrying on the slave trade, for the purpose of supplying any islands or possessions, excepting those appertaining to Spain; and to prevent, by effectual measures and regulations, the protection of the Spanish flag being given to foreigners who may engage in this traffic, whether subjects of his Britannic Majesty, or of any other state or power."

And his Catholic Majesty, conformably to the spirit of this article, and to the principles of humanity with which he is animated, having never lost sight of an object so interesting to him, and being desirous of hastening the moment of its attainment, has resolved to co-operate with his Britannic Majesty in the cause of humanity, by adopting, in concert with his said majesty, efficacious means for bringing about the abolition of the slave trade, for effectually suppressing illicit traffic in slaves, on the part of their respective subjects, and for preventing Spanish ships trading in slaves, conformably to law and to treaty, from being molested or subjected to losses from British cruizers: the two high contracting parties have accordingly named as their plenipotentiaries, viz: his majesty the king of the united kingdom of Great Britain and Ireland, the right hon. sir Henry Wellesley, a member of his majesty's most honourable privy council, knight Grand Cross of the most honourable order of the Bath, and his majesty's ambassador extraordinary and plenipotentiary to his Catholic Majesty; and his majesty the king of Spain and the Indies, Don Josef Garcia de Leon y Pizarro, knight Grand Cross of the royal and distinguished Spanish order of Charles 3rd, of that of Saint Ferdinand and of Merit, of Naples, of those of Saint Alexander Newsky and of Saint Anne of Russia, and of that of the Red Eagle of Prussia, counsellor of state, and first secretary of state and of the general dispatch; who, having exchanged their respective full powers, found to be in good and due form, have agreed upon the following Articles:

ART. 1.—His Catholic Majesty engages, that the slave trade shall be abolished throughout the entire dominions of Spain, on the 30th day of May 1820, and that, from and after that period, it shall not be lawful for any of the subjects of the crown of Spain to purchase slaves, or to carry on the slave trade, on any part of the coast of Africa, upon any pretext or in any manner whatever; provided, however, that a term of five months, from the said date of the 30th of May 1820, shall be allowed for completing the voyages of vessels, which shall have cleared out lawfully previously to the said 30th of May.

ART. 2.—It is hereby agreed, that from and after the exchange of the ratifications of the present treaty, it shall not be lawful for any of the subjects of the crown of Spain to purchase slaves, or to carry on the slave trade on any part of the coast of Africa to the north of the equator, upon any pretext or in any manner whatever; provided, however, that a term of six months, from the date of the exchange of the ratifications of this treaty, shall be allowed for completing the voyages of vessels which shall have cleared out from Spanish ports for the said coast, previously to the exchange of the said ratifications.

ART. 3.—His Britannic Majesty engages to pay, in London, on the 20th of February 1818, the sum of 400,000*l.* sterling, to such person as his Catholic Majesty shall appoint to receive the same.

ART. 4.—The said sum of 400,000*l.* sterling, is to be considered as a full compensation for all losses sustained by the subjects of his Catholic Majesty engaged in this traffic, on account of vessels captured previously to the exchange of the ratifications of the present treaty, as also for the losses, which are a necessary consequence of the abolition of the said traffic.

ART. 5.—One of the objects of this treaty on the part of the two governments, being mutually to prevent their respective subjects from carrying on an illicit slave trade; the two high contracting parties declare, that they consider as illicit, any traffic in slaves carried on under the following circumstances. 1st. Either by British ships, and under the British flag, or for the account of British subjects, by any vessel or under any flag whatsoever. 2nd. By Spanish ships, upon any part of the coast of Africa north of the equator, after the exchange of the ratifications of the present treaty; provided, however, that six months shall be allowed for completing the voyages of vessels, conformably to the tenor of the second article of this treaty. 3rd. Either by Spanish ships, and under the Spanish flag, or for the account of Spanish subjects, by any vessel or under any flag whatsoever, after the 30th of May 1820, when the traffic in slaves, on the part of Spain, is to cease entirely; provided always, that five months shall be allowed for the completion of voyages commenced in due time, conformably to the first article of this treaty. 4th. Under the British or Spanish flag, for the account of the subjects of any other government. 5th. By Spanish vessels bound for any port not in the dominions of his Catholic Majesty.

ART. 6.—His Catholic Majesty will adopt, in conformity to the spirit of this treaty, the measures which are best calculated to give full and complete effect to the laudable objects which the high contracting parties have in view.

ART. 7.—Every Spanish vessel which shall be destined for the slave trade, on any part of the coast of Africa where this traffic still continues to be lawful, must be provided with a royal passport, conformable to the model annexed to the present treaty, and which model forms an integral part of the same. This passport must be written in the Spanish language, with an authentic translation in English annexed thereto; and it must be signed by his Catholic Majesty and countersigned by the minister of marine, and also by the principal naval authority of the district, station, or port from whence the vessel clears out, whether in Spain, or in the colonial possessions of his Catholic Majesty.

ART. 8.—It is to be understood that this passport, for rendering lawful the voyages of slave ships, is required only for the continuation of the traffic to the south of the line; those passports which are now issued, signed by the first secretary of state of his Catholic Majesty, and in the form prescribed by the order of the 16th of December 1816, remaining in full force for all vessels which may have cleared out for the coast of Africa, as well to the north as to the south of the Line, previously to the exchange of the ratifications of the present treaty.

ART. 9.—The two high contracting parties, for the more complete attainment of the object of preventing all illicit traffic in slaves, on the part of their respective subjects, mutually consent, that the ships of war of their royal navies, which shall be provided with special instructions for this purpose, as hereinafter mentioned, may visit such merchant vessels of the two nations as may be suspected, upon reasonable grounds, of having slaves on board, acquired by an illicit traffic and in the event only, of their finding slaves on board, may detain and bring away such vessels, in order that they may be brought to trial before the tribunals established for this purpose, as shall hereinafter be specified. Provided always that the commanders of the ships of war of the two royal navies, who shall be employed on this service shall adhere strictly to the exact tenor of the instructions which they shall receive for this purpose. As this article is entirely reciprocal, the two high contracting parties engage mutually, to make good any losses which their respective subjects may incur unjustly by the arbitrary and illegal detention of their vessels. It being understood that this indemnity shall invariably be borne by the government whose cruizer shall have been guilty of the arbitrary detention; provided always, that the visit and detention of slave ships, specified in this article, shall only be effected by those British or Spanish vessels, which may form part of the two royal navies, and by those only of such vessels which are provided with the special instructions annexed to the present treaty.

ART. 10.—No British or Spanish cruizer shall detain any slave ship, not having slaves actually on board; and in order to render lawful the detention of any ship, whether British or Spanish, the slaves found on board such vessel must have been brought there for the express purpose of the traffic; and those on board of Spanish ships must have been taken from that part of the coast of Africa where the slave trade is prohibited, conformably to the tenor of the present treaty.

ART. 11.—All ships of war of the two nations, which shall hereafter be destined to prevent the illicit traffic in slaves, shall be furnished by their own government with a copy of the instructions annexed to the present treaty, and which shall be considered as an integral part thereof. These instructions shall be written in Spanish and English, and signed for the vessels of each of the two powers, by the minister of their respective marine. The two high contracting parties reserve the faculty of altering the said instructions, in whole or in part, according to circumstances; it being, however, well understood, that the said alterations cannot take place but by the common agreement, and by the consent of the two high contracting parties.

Art. 12.—In order to bring to adjudication with the least delay and inconvenience, the vessels which may be detained for having been engaged in an illicit traffic of slaves, there shall be established, within the space of a year at farthest, from the exchange of the ratifications of the present treaty, two mixed commissions, formed of an equal number of individuals of the two nations, named for this purpose by their respective sovereigns. These commissions shall reside—one in a possession belonging to his Britannic Majesty—the other within the territories of his Catholic Majesty; and the two governments, at the period of the exchange of the ratifications of the present treaty, shall declare, each for its own dominions, in what places the commissions shall respectively reside. Each of the two high contracting parties reserving to itself the right of changing, at its pleasure, the place of residence of the commission held within its own dominions; provided, however, that one of the two commissions shall always be held upon the coast of Africa, and the other in one of the colonial possessions of his Catholic Majesty. These commissions shall judge the causes submitted to them without appeal, and according to the regulation and instructions annexed to the present treaty, of which they shall be considered as an integral part.

Art. 13.—The acts or instruments annexed to this treaty, and which form an integral part thereof, are as follows: No 1.—Form of passport for the Spanish merchant ships, destined for the lawful traffic in slaves. No. 2. Instructions for the ships of war of both nations, destined to prevent the illicit traffic in slaves. No. 3. Regulation for the mixed commissions, which are to hold their sittings on the coast of Africa, and in one of the colonial possessions of his Catholic Majesty.

Art. 14.—The present treaty, consisting of fourteen articles, shall be ratified, and the ratifications exchanged at Madrid, within the space of two months from this date, or sooner if possible. In witness whereof the respective plenipotentiaries have signed the same, and have thereunto affixed the seal of their arms. Done at Madrid, this 23rd September, 1817.

(Signed) Henry Wellesley. (L. S.)
Jose Pizarro. (L. S.)

No. 1.—Form of passport for Spanish vessels destined for the lawful traffic in slaves.

Ferdinand by the Grace of God, king of Castille, of Leon, of Aragon, of the two Sicilies, of Jerusalem, of Navarre, of Granada, of Toledo, of Valencia, of Gallicia, of Majorca, of Minorca, of Seville, of Sardinia, of Cordova, of Corsica, of Murcia, of Jaen, of the Algarves, of Algeciras, of Gibraltar, of the Canary Islands, of the East and West Indies, Isles, and Terra Firma of the ocean; arch-duke of Austria; duke of Burgundy, of Brabant, and of Milan; count of Apsburgh, Flanders, Tirol, and Barcelona; lord of Biscay and of Molina, &c.

Whereas I have granted permission for the vessel called of tons, and carrying men and passengers; master and owner, both Spaniards and subjects of my crown, to proceed bound to the ports of and coast of Africa, from whence she is to return to the said master and owner having previously taken the required oath before the tribunal of marine of the proper naval division from whence the said vessel sails, and legally proved that no foreigner has any share in the above vessel and cargo, as appears by the certificate annexed to this passport; which certificate is given by the same tribunal, in consequence of the steps taken in pursuance of the directions contained in the ordnance of matriculation of 1802.

The said captain, and owner of the said vessel being under an obligation to enter solely such ports on the coast of Africa as are to the south of the line; and to return from thence to any of the ports of my dominions, where alone they shall be permitted to land the slaves whom they carry, after going through the proper forms, to show that they have, in every respect, complied with the provisions of my royal decree of 1817, by which the mode of conveying slaves from the coast of Africa to my colonial dominions is regulated; and should they fail in any of these conditions, they shall be liable to the penalties denounced by the said decree against those who shall carry on the slave trade in an illicit manner.

I therefore command all general and other officers commanding my squadrons and ships; the captain generals of the departments of marine, the military commandants of the provinces of the same, their subalterns, captains of the ports, and all other officers and persons belonging to the navy; the viceroys, captain generals or commandants of kingdoms and provinces; the governors, mayors, and justices of the towns upon the sea-coast of my dominions of the indies; the royal officers or Judges of entries therein established; and all others of my subjects to whom it belongs, or may belong, not to give her any obstruction, nor to occasion her any inconvenience or detention, but rather to aid her and to furnish her with whatever she may want for her regular navigation: and of the vassals and subjects of kings, princes, and republics in friendship and alliance with me; of the commanders, governors, or chiefs of their provinces, fortresses, squadrons, and vessels, I require that they likewise shall not impede her in her free navigation, entry, departure, or detention in the ports to which, by any accident she may be carried; but permit her to provide and supply herself therein with whatever she may be in need of, for which purpose I have commanded this passport to be made out, which, being signed for its validity by my secretary of state for the dispatch of marine, shall serve for the time that a voyage, going and returning, may last; after the conclusion of which, it shall be returned to the commandant of marine, governor or other person by whom it may have been issued; adding, for its proper use, the corresponding note.

Given at Madrid, on

I, THE KING.

(Here the signature of the secretary of state and of the dispatch of marine.)

Note. This passport, No. authorizes any number of slaves, not exceeding being in the proportion of five slaves for every two tons (as permitted by the royal decree of 1817) excepting always such slaves employed as sailors or domestics, and children born on board during the voyage; and the same is issued by me the undersigned on the day of this date, made out in favour of who has previously conformed with all the formalities required by the royal decree of 1817, and is bound to return it immediately upon his return from the voyage.

Given at on the of of the year

(Here the signature of the principal marine authority of the naval division, station, province, or port from whence the vessel clears out.)

No. 2.—INSTRUCTIONS for the British and Spanish ships of war employed to prevent the illicit traffic in slaves.

ART. 1.—Every British or Spanish ship of war shall, in conformity with article 9 of the treaty of this date, have a right to visit the merchant ships of either of the two powers actually engaged, or suspected to be engaged in the slave trade; and should any slaves be found on board, according to the tenor of the 10th article of the aforesaid treaty;—and as to what regards the Spanish vessels, should there be ground to suspect that the said slaves have been embarked on a part of the coast of Africa where the traffic is no longer permitted, conformably to the articles 1 and 2 of the treaty of this date: in these cases alone, the commander of the said ship of war may detain them: and having detained them, he is to bring them, as soon as possible, for judgment, before that of the two mixed commissions appointed by the 12th article of the treaty of this date, which shall be the nearest, or which the commander of the capturing ship shall, upon his own responsibility, think he can soonest reach from the spot where the slave ship shall have been detained. Ships, on board of which no slaves shall be found, intended for purposes of traffic, shall not be detained on any account or pretence whatever. Negro servants or sailors that may be found on board the said vessels, cannot, in any case, be deemed a sufficient cause for detention.

ART. 2.—No Spanish merchantman or slave ship shall, on any pretence whatever, be detained, which shall be found any where near the land or on the high seas, south of the equator, during the period for which the traffic is to remain lawful, according to the stipulations subsisting between the high contracting parties, unless after a chace that shall have commenced north of the equator.

ART. 3.—Spanish vessels, furnished with a regular passport, having slaves on board, shipped at those parts of the coast of Africa where the trade is permitted to Spanish subjects, and which shall afterwards be found north of the equator, shall not be detained by the ships of war of the two nations, though furnished with the present instructions, provided the same can account for their course either in conformity with the practice of the Spanish navigation, by steering some degrees to the northward in search of fair winds, or for other legitimate causes, such as the dangers of the sea, duly proved; provided always, that, with regard to all slave ships detained to the north of the equator, after the expiration of the term allowed, the proof of the legality of the voyage is to be furnished by the vessel so detained. On the other hand, with respect to slave ships detained to the south of the equator, in conformity with the stipulations of the preceding article, the proof of the illegality of the voyage is to be exhibited by the captor.—It is in like manner stipulated, that the number of slaves found on board a slave ship by the cruizers, even should the number not agree with that contained in their passport, shall not be sufficient reason to justify the detention of the ship; but the captain and the proprietor shall be denounced in the Spanish tribunals, in order to their being punished according to the laws of the country.

ART. 4.—Every Spanish vessel intended to be employed in the legal traffic in slaves, in conformity with the principles laid down in the treaty of this date, shall be commanded by a native Spaniard, and two-thirds, at least, of the crew shall likewise be Spaniards; provided always, that its Spanish or foreign construction shall, in no wise, affect its nationality, and that the negro sailors shall always be reckoned as Spaniards, provided they belong, as slaves, to subjects of the crown of Spain, or that they have been enfranchised in the dominions of his Catholic Majesty.

ART. 5.—Whenever a ship of war shall meet a merchantman liable to be searched, it shall be done in the most mild manner, and with every attention which is due between allied and friendly nations; and in no case shall the search be made by an officer holding a rank inferior to that of lieutenant in the navy of Great Britain, or of ensign of a ship of the line in the Spanish navy.

Art. 6.—The ships of war which may detain any slave ship, in pursuance of the principles laid down in the present instructions, shall leave on board all the cargo of negroes untouched, as well as the captain and a part, at least, of the crew of the above-mentioned slave ship; the captain shall draw up in writing, an authentic declaration, which shall exhibit the state in which he found the detained ship, and the changes which may have taken place in it; he shall deliver to the captain of the slave ship a signed certificate of the papers seized on board the said vessel, as well as of the number of slaves found on board at the moment of detention.—The negroes shall not be disembarked till after the vessels which contain them shall be arrived at the place where the legality of the capture is to be tried by one of the two mixed commissions, in order that in the event of their not being adjudged legal prize, the loss of the proprietors may be more easily repaired. If, however, urgent motives, deduced from the length of the voyage, the state of health of the negroes or other causes, required that they should be disembarked entirely, or in part, before the vessel could arrive at the place of residence of one of the said commissions, the commander of the capturing ship may take on himself the responsibility of such disembarkation, provided that the necessity be stated in a certificate in proper form.

Art. 7.—No conveyance of slaves from one port in the Spanish possessions to another shall take place, except in ships provided with passports from the government on the spot, *ad hoc.*

No. 3.—Regulations for the Mixed Commissions, which are to reside on the Coast of Africa, and in a Colonial Possession of his Catholic Majesty.

Art. 1.—The mixed commissions to be established by the treaty of this date, upon the Coast of Africa and in a Colonial Possession of his Catholic Majesty, are appointed to decide upon the legality of the detention of such slave vessels as the cruizers of both nations shall detain, in pursuance of this same treaty, for carrying on an illicit commerce in slaves. The above-mentioned commissions shall judge, without appeal, according to the letter and spirit of the treaty of this date.—The commissions shall give sentence as summarily as possible, and they are required to decide (as far as they shall find it practicable), within the space of twenty days, to be dated from that on which every detained vessel shall have been brought into the port where they shall reside; first, upon the legality of the capture; second, in the case in which the captured vessel shall have been liberated, as to the indemnification which she is to receive.—And it is hereby provided, that in all cases, the final sentence shall not be delayed, on account of the absence of witnesses, or for want of other proofs, beyond the period of two months; except upon the application of any of the parties interested, when upon their giving satisfactory security to charge themselves with the expense and risks of the delay, the commissioners may, at their discretion, grant an additional delay, not exceeding four months.

Art. 2.—Each of the above-mentioned commissions which are to reside on the coast of Africa, and in a colonial possession of his Catholic Majesty, shall be composed in the following manner:—The two high contracting parties shall each of them name a commissary judge, and a commissioner of arbitration, who shall be authorized to hear and to decide, without appeal, all cases of capture of slave vessels which, in pursuance of the stipulations of the treaty of this date, may be laid before them. All the essential parts of the proceedings carried on before these mixed commissions, shall be written down in the legal language of the country in which the commission may reside.—The commissary judges and the commissioners of arbitration, shall make oath, in presence of the principal magistrate of the place in which the commission may reside, to judge fairly and faithfully, to have no preference either for the claimants or the captors, and to act, in all their decisions, in pursuance of the stipulations of the treaty of this date.—There shall be attached to each commission a secretary or registrar, appointed by the sovereign of the country in which the commission may reside, who shall register all its acts, and who, previous to his taking charge of his post, shall make oath, in presence of at least one of the commissary judges, to conduct himself with respect for their authority, and to act with fidelity in all the affairs which may belong to his charge.

Art. 3.—The form of the process shall be as follows:—The commissary judges of the two nations shall, in the first place, proceed to the examination of the papers of the vessel, and to receive the depositions on oath of the captain and of two or three, at least, of the principal individuals on board of the detained vessel, as well as the declaration on oath of the captor, should it appear necessary, in order to be able to judge and to pronounce if the said vessel has been justly detained or not, according to the stipulations of the treaty of this date, and in order that, according to this judgment, it may be condemned or liberated. And in the event of the two commissary judges not agreeing on the sentence they ought to pronounce, whether as to the legality of the detention, or the indemnification to be allowed, or on any other question which might result from the stipulations of the treaty of this date,—they shall draw by lot the name of one of the two commissioners of arbitration, who, after having considered the documents of the process, shall consult with the above-mentioned commissary judges on the case in question, and the final sentence shall be pronounced conformably to the opinion of the majority of the above-mentioned commissary judges, and of the above-mentioned commissioner of arbitration.

ART. 4.—As often as the cargo of slaves found on board of a Spanish slave ship, shall have been embarked on any point whatever of the coast of Africa where the slave trade continues to be lawful, such slave ship shall not be detained on pretext that the above-mentioned slaves have been brought originally by land from any other part whatever of the continent.

ART. 5.—In the authenticated declaration which the captor shall make before the commission, as well as in the certificate of the papers seized, which shall be delivered to the captain of the captured vessel at the time of the detention, the above-mentioned captor shall be bound to declare his name, the name of his vessel, as well as the latitude and longitude of the place where the detention shall have taken place, and the number of slaves found living on board of the slave ship at the time of the detention.

ART. 6.—As soon as sentence shall have been passed, the detained vessel, if liberated and what remains of the cargo, shall be restored to the proprietors, who may before the same commission, claim a valuation of the damages, which they may have a right to demand; the captor himself, and in his default, his government, shall remain responsible for the above-mentioned damages. — The two high contracting parties bind themselves to defray, within the term of a year from the date of the sentence, the indemnifications which may be granted by the above-named commission, it being understood that these indemnifications shall be at the expense of the power of which the captor shall be a subject.

ART. 7.—In case of the condemnation of a vessel for unlawful voyage, she shall be declared lawful prize, as well as her cargo, of whatever description it may be, with the exception of the slaves who may be on board as objects of commerce: and the said vessel, as well as her cargo, shall be sold by public sale for the profit of the two governments: and as to the slaves, they shall receive from the mixed commission a certificate of emancipation, and shall be delivered over to the government on whose territory the commission, which shall have so judged them, shall be established, to be employed as servants or free labourers. Each of the two governments binds itself to guarantee the liberty of such portion of these individuals as shall be respectively consigned to it.

ART. 8.—Every claim for compensation of losses occasioned to ships suspected of carrying on an illicit trade in slaves, not condemned as lawful prize by the mixed commissions, shall be also heard and judged by the above-named commissions, in the form provided by the third article of the present regulation. And in all cases wherein restitution shall be so decreed, the commission shall award to the claimant or claimants, or his or their lawful attorney or attornies, for his or their use, a just and complete indemnification, for all costs of suit, and for all losses and damages which the claimant or claimants may have actually sustained by such capture and detention; that is to say, in case of total loss, the claimant or claimants shall be indemnified, first for the ship, her tackle, apparel, and stores; secondly, for all freight due and payable; thirdly, for the value of the cargo of merchandize, if any; fourthly, for the slaves on board at the time of detention, according to the computed value of such slaves at the place of destination, deducting therefrom the usual fair average mortality for the unexpired period of the regular voyage; deducting also for all charges and expenses payable upon the sale of such cargoes, including commission of sale; and fifthly, for all other regular charges in such cases of total loss; and in all other cases not of total loss, the claimant or claimants shall be indemnified; first, for all special damages and expenses occasioned to the ship by the detention, and for loss of freight when due or payable; secondly, a demurrage, when due, according to the schedule annexed to the present article; thirdly, a daily allowance for the subsistence of slaves, of one shilling or four reals and half de Vn. for each person, without distinction of sex or age, for so many days as it shall appear to the commission that the voyage has been or may be delayed by reason of such detention; as likewise; fourthly, for any deterioration of cargo or slaves; fifthly, for any diminution in the value of the cargo of slaves, proceeding from an increased mortality beyond the average amount of the voyage, or from sickness occasioned by detention; this value to be ascertained by their computed price at the place of destination; as in the above case of total loss; sixthly, an allowance of five per cent on the amount of the capital employed in the purchase and maintenance of cargo, for the period of delay occasioned by the detention; and seventhly, for all premium of insurance on additional risks. — The claimant or claimants shall likewise be entitled to interest, at the rate of 5 per cent. per annum on the sum awarded, until paid by the government to which the capturing ship belongs: the whole amount of such indemnifications being calculated in the money of the country to which the captured ship belongs, and to be liquidated at the exchange current at the time of award, excepting the sum for the subsistence of slaves, which shall be paid at par, as above stipulated.—The two high contracting parties wishing to avoid, as much as possible, every species of fraud in the execution of the treaty of this date, have agreed, that if it should be proved, in a manner evident to the conviction of the commissary judges of the two nations, and without having recourse to the decision of a commissioner of arbitration, that the captor has been led into error by a voluntary and reprehensible fault on the part of the captain of the detained ship; in that case only, the detained ship shall not have the right of receiving, during the days of her detention, the demurrage stipulated by the present article.

Schedule of demurrage or daily allowance for a vessel of

100 tons to	120 inclusive,	£.5	per diem.
121 ——	150 ——	6	
151 ——	170 ——	8	
171 ——	200 ——	10	
201 ——	220 ——	11	
221 ——	250 ——	12	
251 ——	270 ——	14	
271 ——	300 ——	15	

and so on in proportion.

Art. 9.—When the proprietor of a ship, suspected of carrying on an illicit trade in slaves, released in consequence of a sentence of one of the mixed commissions (or in the case, as above-mentioned, of total loss), shall claim indemnification for the loss of slaves which he may have suffered, he shall in no case be entitled to claim for more than the number of slaves which his vessel by the Spanish laws, was authorized to carry, which number shall always be stated in his passport.

Art. 10.—Neither the judges, nor the arbitrators, nor the secretary of the mixed commissions shall be permitted to demand or receive, from any of the parties concerned in the sentences which they shall pronounce, any emolument, under any pretext whatsoever, for the performance of the duties which are imposed upon them by the present regulations.

Art. 11.—When the parties interested, shall imagine they have cause to complain of any evident injustice on the part of the mixed commissions, they may represent it to their respective governments, who reserve to themselves the right of mutual correspondence for the purpose of removing, when they think fit, the individuals who may compose these commissions.

Art. 12.—In case of a vessel being improperly detained, under pretence of the stipulations of the treaty of this date, and the captor not being enabled to justify himself, either by the tenour of the said treaty, or of the instructions annexed to it, the government to which the detained vessel may belong, shall be entitled to demand reparation; and, in such case, the government to which the captor may belong, binds itself to cause inquiry to be made into the subject of the complaint, and to inflict upon the captor, if he be found to have deserved it, a punishment proportioned to the transgression which may have been committed.

Art. 13.—The two high contracting parties have agreed, that, in the event of the death of one or more of the commissary judges, or the commissioners of arbitration, composing the above-mentioned mixed commissions, their posts shall be supplied, *ad interim*, in the following manner:—On the part of the British government, the vacancies shall be filled successively, in the commission which shall sit within the possessions of his Britannic Majesty, by the governor or lieutenant governor resident in that colony, by the principal magistrate of the same, and by the secretary; and in that which shall sit within the possessions of his Catholic Majesty, it is agreed, that, in case of the death of the British judge or arbitrator there, the remaining individuals of the said commission shall proceed equally to the judgment of such slave ships as may be brought before them, and to the execution of their sentence. In this case alone, however the parties interested shall have the right of appealing from the sentence if they think fit, to the commission resident upon the coast of Africa; and the government to which the captor shall belong, shall be bound fully to make good the compensation which shall be due to them, in case the appeal be decided in favour of the claimants; but the vessel and cargo shall remain, during such appeal, in the place of residence of the first commission before which they shall have been carried.—On the part of Spain the vacancies shall be supplied, in the possession of his Catholic Majesty, by such persons of trust as the principal authority of the country shall appoint; and upon the coast of Africa, in case of the death of any Spanish judge or arbitrator, the commission shall proceed to judgment in the same manner as above specified for the commission resident in the possession of his Catholic Majesty, in the event of the death of the British judge or arbitrator; an appeal being, in this case likewise, allowed to the commission resident in the possession of his Catholic Majesty; and, in general, all the provisions of the former case being to be applied to the present.—The high contracting parties have agreed to supply, as soon as possible, the vacancies that may arise in the above-mentioned commissions, from death or any other cause; and in case that the vacancy of any of the Spanish commissioners in the British possessions, or of the British commissioners in the Spanish possession, be not supplied at the end of the term of seven months for America, and of twelve for Africa, the vessels, which shall be brought to the said possessions respectively, shall cease to have the right of appeal above stipulated.

Done at Madrid, the 23rd September, 1817.

(L. S.) Henry Wellesley.
(L. S.) Jose Pizarro.

The said Treaty was ordered to be taken into consideration on the 9th of February.

ADDRESS ON THE PRINCE REGENT'S SPEECH AT THE OPENING OF THE SESSION.] Mr. Wodehouse brought up the report of the Address. On the motion, that it be agreed to,

Lord *Milton* said, there was one part of the Speech from the throne, which he had heard with the most unfeigned satisfaction; he alluded to the recommendation to erect a greater number of places of public worship. No person could reside even for a short time in the metropolis, without witnessing the lamentable deficiency of churches. Before an application was made to the public purse for the sum requisite for the erection of additional churches, it might be proper to inquire into the state of the property of the church, to see whether means might not be devised for making some part of it available for such a purpose. He did not mean to say, however, that if it should be found, on inquiry, there was no church property that could be made applicable, he would not consent to any additional burdens for that purpose. There was one point which ought to be particularly attended to in the erection of the churches. The greatest attention ought to be paid to the accommodation of the lower orders. There was hardly a parish church in the kingdom, in which great encroachments had not been made by persons of wealth on that part of the church which was the property of the population of the parish. They ought to guard as much as possible against the recurrence of what he considered a very great evil—the enclosure of pews from the body of the church. He had thrown out these few hints, being deeply impressed with the importance of the subject.

Mr. *Curwen* said:—Deference to the feelings of the House induced me to refrain from making any observations on the Speech from the throne on a former night. The premature death of her royal highness the Princess Charlotte, whose early career was marked with such splendid virtues, has been felt by all ranks and classes as a great national misfortune. If it were possible to impute a want of respect to her memory by any thing I may now feel it my duty to offer on other parts of the address, I should be silent. Painful as it is to combat statements, which it must be the wish of all were well-founded, I cannot be a party to the exaggerated representations of the flourishing and prosperous state of the country and its finances. I have not to learn the unwillingness of mankind to listen to truths that are opposite to their wishes. I may be accused of despondency, and a design to undervalue and misrepresent the state and resources of the empire; I prefer the risk of such imputations to being silent when my duty calls me to warn the country from placing reliance on statements so opposite to the truth. My fears are not that the country is not able to extricate itself from its embarrassments if they are fairly and honestly met; my dread is, that the delusion may be kept up till the moment is gone by, and national bankruptcy becomes inevitable.—The Speech from the throne, though known to be no more than a general detail of the plans of ministers, is confounded by those at a distance, and supposed to bear the weight and authority of royalty—giving it a consequence to which it is not entitled. By impeaching its correctness I am guilty of no disrespect: if blame be imputable, it attaches solely to ministers. It may be asked, what end can such statements answer? On the prosperous state of the country alone can the enormous military establishment be defended: this affords an answer to those who call for retrenchment. Will the bare statement, which the fact but too lamentably contradicts, lull the country into a false supineness? will they become the willing dupes to their own inevitable ruin? or will they awake to a proper sense of the danger that menaces them? Nothing can impede our progress to ruin but a strong and imperious expression of public opinion. To produce retrenchment adequate to the necessities of the country the people must, from one end of the empire to the other, demand them from us. The unanimous voice of the people extinguished the income tax. Let them speak with equal energy, and ministers will no longer cling to the hopes of renewing it, as a means of supporting the present ruinous expenditure. If, happily, the country should become fully sensible of its situation, no one can doubt what would be the result. It is the self-delusion that prevents the people doing justice to themselves and their posterity.—The information of ministers must be allowed to be more ample than any individual can pretend to. This, in my mind, enhances their guilt, if misrepresentation can, in any considerable point, be imputed to them. That the state of the country is improved no one will deny; but that it has reached, much less exceeded, what might have been expected, with a reference to antecedent periods, I do positively deny. How are we to reconcile the boasted and flourishing state of our manufactories with a fact for the truth of which I appeal to the chancellor of the exchequer? Has he not recently had a deputation of the most respectable manufacturers of Lancashire representing the precarious state of the printing trade, and their fears of the total loss of the foreign market, if they are not relieved from the export duty? the amount of which I understand to be about 300,000*l.*, and the cost of collection nearly 30,000*l.* This branch of trade, though in a considerable state of activity, must be considered as dependent on the will of the right hon. gentleman. That he may listen to the prayers of the manufacturers I sincerely hope. That what has been alleged is the real state of the trade is borne out by the united testimony of thousands. I appeal to the rate of wages at which the manufacturers are working;—10*s.* for twelve hours work for the six days in the week! In many instances, rather than have any fresh hands, they work sixteen hours a day for an addition of two shillings a week. I am too well acquainted with the generosity, humanity, and justice of the gentlemen engaged in this branch of trade to believe they would remunerate their workmen with such inadequate wages if the profits of the trade would permit them to do otherwise. It is necessity, not will, that compels them to pay their men so inadequately in comparison with the necessaries of life. The gratitude and thankfulness of the workmen is a strong and undeniable proof of their opinion of the profits of the trade. I trust this will have its due weight with the chancellor of the exchequer in attending to the interests of so large and respectable a body. The meritorious conduct of manufacturers entitle them to every consideration.—The state of the agriculture of the country is undoubtedly considerably improved. This is in some degree owing to what is greatly to be regretted—defective crops. I am rather disposed to lament than to rejoice at the advanced price of the necessaries of life; which have now risen as much above as they were below what they ought to have been. That it has called more hands into activity is not to be disputed. But are there not thousands and thousands of artificers and labourers who cannot obtain a day's work; suffering, with unexampled fortitude and patience, most cruel privations? In this boasted state of the country how stand the poor-rates? will they not be higher in this year than they were in the last? It is my belief they will. From whence, then, has arisen this improved state of our finances? Here, indeed, ministers seem disposed to forego the claims to merit to which they might justly pretend. In compliance with their unceasing mandates, every expedient has been resorted to for the purpose of screwing up the assessed taxes. Every thing which industry and espionage could do, has been done. These failing, whole districts have been surcharged, in order to take the chance of fastening some burden on some of the individuals. The personal inconvenience, expense, and trouble to the parties, have been totally disregarded. Appeals have multiplied to such a degree, that treble the time has been occupied in hearing and deciding them than heretofore; and, if I am rightly informed, weeks will be occupied in this metropolis and other great towns. Is this no hardship to the country? Is this a feature of prosperity? or is such conduct calculated to augment the affection and loyalty of the people? Is there a village in the kingdom that has not felt and complained of this hardship? I would then ask, is it likely to answer the expectations of ministers? After every oppressive expedient has been practised, will it materially augment the amount of the assessed taxes?—I doubt it much. As you augment the tax individuals defeat it by a sacrifice both of comforts and luxuries. How many windows have been and are now blocking up; by which the health of the parties are endangered. The fair inference to be drawn from this attempt to advance taxation is, that you have carried it to that point when you can force nothing more from the pockets of the people. If it operates this conviction on his majesty's ministers, it may prevent farther evils. Taxation is the cause that has paralyzed the industry of the country. If such be the state of Great Britain, how stands it with Ireland? Not many days will probably elapse before the sad and deplorable state of that country will be brought under the consideration of the House. It becomes not me to treat on a subject that will come with so much greater force from others. The House will not long be left in doubt of the inability of Ireland to pay her quota of taxation. Was the expenditure in Ireland last year less than twelve millions, whilst the total amount of taxation was under six? The chancellor of the exchequer shakes his head. Heartily do I wish he may be able to confute this statement. How then, Sir, stands our own resources? Did the whole amount of taxes reach within eight millions of the expenditure. The unfunded debt I do not take into the account: this at some time or other will be to be funded: supposing it eight millions, there will be an addition of between two and three millions to the interest of the national debt. If the sinking fund is to be considered as any thing more than borrowing with one hand and paying with the other, and thereby entailing an additional expense on the country, thirteen millions and a half must be added—making a total deficiency of little short of thirty millions! How does this agree with the flourishing state of the empire as declared from the throne? If I am wrong, it is from the right hon. gentleman's figures I have drawn my information. Is there any man in the kingdom, unconnected with ministerial influence, who will maintain that the present expenditure can be continued without ruin? Vain and delusive is the hope of bolstering up the national credit by fresh taxation.—Retrenchment is the only resource, and past experience shows that it is the last thing ministers will resort to. Short lived will be our prosperity, if the expenditure be not speedily cut down to meet our income! Instead of grasping at augmented burthens, if the happiness and prosperity of the country be what this House has honestly at heart, the people must be exonerated from some of those taxes which bear hardest upon its industry. This language may be unpalatable to many ears—but it is not therefore less true. Whatever odium may attend the speaking plain truths, there is one consolation—I have discharged a very painful duty to the country and my constituents.

The Address was then agreed to.

MESSAGES OF CONDOLENCE TO THE QUEEN; AND TO PRINCE LEOPOLD.] Lord Castlereagh moved, that the Addresses of Congratulation sent to the Queen and Prince Leopold, on his marriage with the princess Charlotte, should be entered as read; which was accordingly done.

Lord *Castlereagh* then said:—I rise, in pursuance of the notice I gave last night, to move a message of condolence to her majesty, and to his serene highness the prince of Saxe-Cobourg, on the lamented and untimely death of the princess Charlotte. In adverting to the records of parliament on this subject, I do not find that it has been the practice of this House to vote messages of condolence on such occasions, except to the crown. But this is a case so peculiarly interesting—a case which has so painfully affected the feelings of the country—that I hope the House will not be guided by precedent in marking their sense of the calamity which has befallen us, but that they will act under the influence of those sentiments of deep regret in which the whole empire has participated. Certainly, when I say that this is a case altogether without precedent, in whatever light we view it, I only declare that which is not merely the feeling that prevails in this country, but which, I believe, pervades even foreign nations. If we look to all the circumstances connected with it, we must regard it as an occurrence in the highest degree tragical. The loss, almost at the same moment, of both mother and child, is a misfortune, whether contemplated in a private or a public point of view, of a most distressing nature. Such a circumstance would carry the most poignant sorrow into the bosom of a private family; but how much greater must be the grief which it produces, when the melancholy event blasts the hopes of an entire nation! We may judge of the feelings of her illustrious father, under this dreadful calamity, when we see the effect it has had on society at large. The House on the occasion of the princess Charlotte's most auspicious marriage, carried their congratulations not merely to the foot of the throne, but followed up that mark of respect by addressing her majesty, and the illustrious prince, on that joyful event. As we had the satisfaction of conveying to those illustrious individuals the feelings of pleasure which that union created; so is it now our duty to express to the same quarter, our deepest sorrow, that the bright prospect which then opened on the country, has been so soon overclouded. Whatever expectations might have been formed by the country, with respect to that marriage, I am sure I speak the sentiments of the Honse and of the public, when I say, that they were not only equalled, but greatly surpassed. It was a marriage of mutual inclination—a marriage founded on similarity of character—during the whole course of which, private comfort was closely connected with public dignity. Whatever views the country might entertain with respect to the results of this alliance, the whole conduct of the illustrious pair gave the nation every reason to hope that its fondest wishes would be realized. I feel this to be a subject on which it is impossible to enlarge, without exciting the most painful sensations. Those feelings of regret are not confined to this country, but have been expressed in every foreign state where the melancholy intelligence has been received. Under all the circumstances I am confident the House will be ready to convey to her majesty and to the prince of Saxe-Cobourg, the sincere expression of our regret on their great and irreparable loss. I shall now move, "That this House do condole with her majesty on the calamitous and untimely death of her royal highness the Princess Charlotte Augusta."

The *Speaker*.—There is no precedent, as far as I know, of any message of condolence being carried beyond the crown. The case on which the noble lord seems to have founded the present motion is, the address of congratulation, which, some few months ago, was voted to prince Leopold and the queen; and though there is no direct precedent, the noble lord has put it to the House, whether it will not be proper, on this occasion, to make a precedent.

The question being put,

Mr. *Calcraft* said, he rose to discharge a painful duty, but he felt that he should be wanting to himself and to those whom he represented, if he did not give his negative to this motion. He should best discharge his duty by assigning no reason for the course which he felt it necessary to take on the present occasion. He had that within him which convinced him that he should not otherwise be discharging his duty; but it was a duty he was discharging at the expense of his own feelings. He trusted the House would not expect him to enter more at large into the subject.

Lord *Castlereagh* said, the manner in which the hon. gentleman had given his negative without adducing any reason for it, precluded him from making any observations. He could only guess at the motives which governed his conduct. But if he surmised the reasons of the hon. member correctly, he could say that there was not the slightest colour or foundation for them.

Mr. *M. A. Taylor* said, he would follow the example of his hon. friend, and without stating his reasons, oppose the motion.

The motion was then carried; some few members calling out "No!" and Mr. Disbrowe was ordered to attend her majesty with the condolence.

Lord Castlereagh then moved, "That a message be sent to condole with his serene highness prince Leopold George Frederick, duke of Saxe, margrave of Meissen, landgrave of Thuringuen, prince of Cobourg of Saalfield, in the calamitous and untimely death of his illustrious consort her royal highness the princess Charlotte Augusta."

Mr. *Brougham* was convinced, that on this motion there would not be a dissenting voice. The whole country, without exception, sympathised in the sorrows of this illustrious personage, who had endeared himself to all classes of the community.

Mr. *Calcraft* heartily concurred in the motion, which must be perfectly agreeable to the House and the country.

The motion was then agreed to *nem. con.* and lord John Thynne was appointed to wait on the prince of Saxe-Cobourg with the said message.

BANKRUPT LAWS.] Mr. John Smith moved, "That a select committee be appointed to consider of the Bankrupt Laws, and of the operation thereof."

Mr. *Lockhart* said, there was sufficient evidence before the House, to show that the state of the bankrupt laws was extremely defective. He quoted a sentence of the lord chancellor to prove that, in the present state of those laws, there was no distinction made between the moral and the immoral bankrupt, and that, in fact, he could not make any difference between those who had been honest, but unfortunate, and those who had profusely squandered the money of their creditors previously to the act of bankruptcy. He thought there should be a greater power in some tribunal to inquire into the previous conduct of the bankrupt. This power, he conceived, would be best vested in the commissioners of bankrupts. He hoped the committee would report as early as possible, as it was a subject connected with the best interests of the country.

A committee was then appointed.

PETITIONS RELATING TO A REFORM

OF PARLIAMENT.] Sir *F. Burdett* rose, and said he had some petitions to present in favour of parliamentary reform. He did not know what effect they would have on the proposal which was in agitation to repeal the act which was commonly called the act for suspending the Habeas Corpus. Whatever was done would not alter his opinion respecting that act, and the cruel and atrocious proceedings of the ministers under it, who had used it, perhaps, for the purpose for which it was intended—to put a stop to the great question of parliamentary reform, in favour of which petitions had been presented signed by a million and a half of persons, though many of them had been rejected on the pretence of some defect in form, or because the meaning of the petitioners was presented in printed, and not in written words. He did not much care whether the Habeas Corpus act was revived, whether it remained suspended, or whether it was obliterated from the statute book, since it was reduced to this condition, that it might be suspended whenever the ministers thought proper, or on any pretences which they thought proper to allege. It would be, perhaps, better that it should be obliterated from the Statute Book, for this reason—that the ministers now concealed the real import of their measures under the name of a suspension of the statute of Habeas Corpus; whereas, if it were altogether repealed, the people would be left to the protection of Magna Charta, under which they had the same right to personal protection: the statute of Habeas Corpus affording only a more summary remedy to persons aggrieved. The great body of the people of England who had demanded parliamentary reform, had now found it necessary to proceed cautiously, in consequence of the practice which had been pursued by the government of sending about spies and informers, if not for the purpose of entrapping the people into illegal acts, yet in such a manner that they always took on themselves to entrap those who were unwary. In the 13th year of the reign of Charles 2nd, an act was passed to inflict a penalty of 100*l.* and three months imprisonment, on every person who should solicit, labour, or procure the getting of hands, or other consents, of any person, above the number of twenty, to any petition for altering matters of church or state. From the disposition which had been shown to revive sleeping laws, the persons who were desirous of petitioning imagined that this law might be put in force against them. The petitioners were not to be frightened out of the course they had adopted to obtain their constitutional rights; but they also were desirous not to alarm the timid and the weak, nor to give any opportunity for the employment of spies and informers, or to bring together large numbers of people, among whom the agents of the ministers might find some whom they might excite to riot, and thus throw discredit on the cause. They had therefore determined, in order to accomplish all their objects, to present petitions, each of which would be signed by 20 persons. The question of a reform in that House, was, in his opinion, the only great and important question which could come before them; and he had therefore thought fit to lose no time in presenting the first of a series of petitions on this subject.—The petition was then brought up and read. It was from Bath, and stated,

"That the petitioners, deeply impressed with the evils that have resulted, and the ruin that threatens to follow, from the injurious state of the representation of the people, entreat the early attention of the House to the question of parliamentary reform; a great proportion, perhaps a majority of the House, so far from being the representatives of the people, are notoriously known to represent the interests of wealthy peers or trading borough-holders, or to have purchased seats in the House for the express purpose of disposing of them to the best advantage to the ministry of the day, one of whom has been himself branded with trafficking in this disgraceful barter of national honour for individual comfort; such a state of pollution in an assembly, which ought to be the source of honour, and the fountain of prosperity and freedom, has entailed upon this injured country all the mischiefs attendant upon a state of corruption so gross, and a dependence so unlimited upon the increased and increasing influence of the crown; and being firmly convinced that a radical reform in the representation, a recurrence to annual parliaments, and the adoption of universal suffrage, are the only means of preventing a fatal revolution, the petitioners ask, from the wisdom of the truly honourable members of the House, those measures, which can alone restore the confidence and secure the tranquillity of the nation."

Ordered to lie on the table.

HOUSE OF COMMONS.

Thursday, January 29.

Habeas Corpus Suspension Repeal Bill.] A Message from the Lords acquainted the House, that their lordships had passed a Bill to repeal an Act made in the last session, intituled "An Act to continue an Act to empower his Majesty to secure and detain such persons as his Majesty shall suspect are conspiring against his person and government."

The *Chancellor of the Exchequer* said, that it would perhaps be more convenient for both parties to reserve any observations which they might wish to make on any subject connected with the suspension of the Habeas Corpus to a future day. On Monday next a communication would be made to the House of certain papers calculated to throw light on the state of the country. He trusted that whatever differences of opinion they might have with respect to the necessity for the suspension, or the manner in which the powers given to ministers were exercised, there could be but one opinion among them respecting the propriety of passing the present bill through the House with as little delay as possible. It was his intention therefore to propose that the House should depart from their usual practice, and pass the bill through all its stages that day. He concluded with moving that the bill be read a first time.

Mr. *Tierney* agreed in thinking that the suspension act ought to be repealed with as little delay as possible. He should abstain at present from entering into any of the topics alluded to by the chancellor of the exchequer, in the understanding that the subject would be gone fully into on a future day.

The bill was then read a first time. On the motion for the second reading,

Sir *W. Burroughs* asked, in what manner the subject would be gone into on Monday?

The *Chancellor of the Exchequer* said, it was first intended to lay before the House certain papers calculated to throw light on the state of the country: the appointment of a committee was afterwards to be proposed.

Mr. *Tierney* asked in what way these papers were to be dealt with? In what way were they to proceed on Monday?

The *Chancellor of the Exchequer* said, on Monday a day would be named on which the papers then laid before the House should be taken into consideration; and a committee would be chosen for that purpose in the usual manner.

Mr. *Tierney* asked, if the committee was to be chosen by ballot.

Mr. *Brougham* said, they were still left very much in the dark as to the manner of choosing the committee, which was by far the most important part of the business. The right hon. gentleman had told them it would be chosen in the usual manner. Now, a committee was chosen in two ways last session—one time by ballot, and another time by motion.

The *Chancellor of the Exchequer* said, he believed it would be chosen by ballot.

Mr. *Brougham* wished to know, whether the committee was to be proposed on Monday, or on a future day?

The *Chancellor of the Exchequer* said, the papers would be laid before the House on Monday, and the committee would not be proposed till a future day.

The bill was then read a second time. On the motion, that it be committed,

Lord *Folkestone* said, he could have no objection to a bill so very desirable as the one now before the House. At the same time, he could not help expressing his surprise, that though he had come down to the House that night before the usual time for entering on public business, this business had been gone into some time before he came. He knew some other members who would have been happy to have given their assent to this bill, but who were thus precluded from an opportunity of doing so. It seemed as if ministers were afraid of opposition or dreaded discussion; at all events, their conduct on this occasion was very unfair towards the House. His reason for then rising was, that he considered this measure was not sufficient—it was not all that the case required. If they confined themselves to a bare repeal, those persons who had been arrested and detained under the suspension act, and discharged on their recognizances, might still be harassed and exposed to a great deal of suffering. Something was due to these persons, and the bill ought therefore to be more than a repeal. As far as he was able to learn, and he had taken every opportunity of examining into the subject, it appeared to him that all those persons taken up under the suspension act who had been discharged on their recognizances, were unfairly dealt with. There was no law authorizing magistrates to demand such recognizances from them. These men had, he apprehended, been very ill used, and might be exposed to further ill usage without any remedy, if provision was not made in the bill now before the House. There existed no proper legal authority for binding these persons on their recognizance to appear on a certain day. A recognizance could not be demanded from a man, without an accusation against him on the oath of some individual whom he might have an opportunity of confronting. He did conceive, that by merely repealing the Suspension act, they would not be going far enough, and that a clause ought to be introduced for the purpose of vacating the recognizances which had been so illegally demanded. He had drawn up a clause to meet the difficulty which he should propose in the proper stage.

Mr. *Tierney* considered the secretary of state bound to give the House the fullest information of the reason and grounds which induced his majesty's government to require the parties to enter into these recognizances.

The *Attorney General* said:—The question now before the House appears to me rather a question of law, adapted for the consideration of a court of justice, than an argument for or against passing the bill. The cases of these individuals were such, that although nothing sufficiently strong, so as to affect them with the crime of high treason, could be substantiated on oath against them, still enough came out to warrant the magistrates in binding them over to keep the peace, and appear at a certain day if called upon. It is by no means a practice unusual in accusations of felony or misdemeanor, and rests in the breast of the magistrate as he shall deem it fit. What is a discharge upon a man's own recognizance, but a security given by the accused himself, instead of one given by himself jointly with two good securities? The recognizance, so far, has the appearance of an indulgence granted, rather than an injury inflicted. If the recognizance under these circumstances be illegal, the party may apply to the court of King's-bench, and it will relieve them. If the noble lord asks for my legal opinion upon this head, I think I may safely admit, that the act which empowered the secretary of state or the magistrates, to commit, also empowers them to liberate upon taking a recognizance. That the secretary of state has a right, under these circumstances, to require, through the medium of the magistrates, a recognizance, the history of all prior periods of similar alarm will be found to prove. But the fact is, that no objection would have been made to the release of these men, and the discharge of their recognizances long since, but for their determination to prefer in court objections to the right which had been thus exercised. In a conversation I myself had with some of them, they stated, that they had objections on points of law to urge when brought up; and I, as well as others of his majesty's servants, thought it best to let their recognizances stand over, that they might avail themselves of the opportunity to discuss the point. Whether I have acted rightly or not in this respect, I will leave to the result; but I have the satisfaction to reflect, that it cannot be said I have precluded these persons from making use of the advantages they imagined they possessed.

Mr. *Brand* said, the attorney-general had confounded the practice of the courts of law with the legislation of the country. The men detained under the suspension act were enlarged, on the condition of entering into recognizances for their appearance in court on a future day, and therefore they were under the control of the court. But they were repealing the act under which these men were held in confinement, and therefore any detention of them after the repeal would be illegal. But if these men had been bound on their recognizance to appear in court on a future day, they might still be called on for that purpose, if some provision were not introduced into the bill. The measure recommended by his noble friend was one becoming the House to adopt, insomuch as no such detention ought to be continued after the passing of the repeal. The attorney-general had confounded two subjects, the remedy against the persons demanding the recognizance, and the security against future oppression.

Lord *Castlereagh* said, that the moment this bill had passed, that moment the suspension and its consequences were removed. The suspension and the compelling the parties to enter into the recognizances, were transactions, neither involved in, nor connected with each other. Neither could the fact of the existence of these recognizances affect the propriety of the repeal of this act, suspending that invaluable portion of the general liberty. The circumstance might fairly be a ground of a separate motion, and was cognizable in point of law; but could never be considered a ground for preventing the restoration to society at large of the full and free exercise of their constitutional liberties.

Mr. *Brougham* contended, that the noble lord had not understood the grounds on which the clause was proposed. It was true, that after the passing of the present bill, no persons could be arrested or detained in prison, without having the power of forcing on their trial; but in what way did the government now endeavour to escape from this? The persons detained under the suspension act were bound on their recognizance to appear in court on a certain day, that is to say the bill would still be in force against them. Various things might be demanded from men confined under such circumstances, as the condition on which they could obtain their liberation—they might be compelled to pay 100*l.*—they might be asked to go down on their knees and beg the ministers pardon—or they might be asked to give recognizances to appear on a certain day in court, and from time to time afterwards ministers had chosen to demand a recognizance; and, with few exceptions, it was deemed advisable to accede to their demand. Could any man, however, say, that they had the power to demand such recognizances, and to detain those individuals who refused to grant them, without the Suspension act? Why then these recognizances necessarily flowed from the Suspension act, and ought to be vacated by the repeal. He had understood that in one or two cases the alternative offered to the detained had been rejected; and there was a case which would, he believed, shortly come under their notice, concerning the conduct of a certain justice in London towards three individuals. It had been argued that this was properly a question for the consideration of a court of law; but he contended that it was not properly a question for the consideration of a court of law. The way taken in this case was, to put an option to the parties, which option they could not have had put to them, had they not been visited with the extraordinary powers of the Suspension act?

The *Solicitor General* said:—My hon. and learned friend seems altogether mistaken in the principle of law, upon which he has founded his whole speech. Does he for a moment mean to assert, that had a man been taken up on a charge of high treason, and that such circumstances had been brought to light during his confinement, that he had been discharged upon his own recognizance, there was no person competent by law to enlarge him upon such recognizance prior to the passing of the suspension act? I apprehend this act confirms no such power. The power to commit and to discharge in this manner existed long before this act. The power created by this act was the power of preventing the accused being brought to trial in the usual course of proceeding If this act had never passed, it would have been as competent to the parties to dispute the legality of the recognizances, as if it were to continue until the time of trying the question. We are now discussing what does not concern the merits of the suspension act, nor flow out of its enactment.

Sir *W. Burroughs* said:—I certainly agree that the act gave no new power to commit; the power has been well observed to have existed before. However, the exercise of it must, in this case, be considered extremely objectionable. The secretary of state has evidently usurped this power to the prejudice of these parties, nor can the hon. and learned gentleman easily exculpate himself from the charge of neglect of duty, in not having discharged these parties without taking any recognizances. The attorney-general ought to have known, that no secretary of state has any power, much less right, on a charge of high treason, to liberate the accused on his own recognizance, or commit him to bail; much less can any inferior magistrate exercise such a prerogative; this power belongs only to the court of King's-bench. The attempt to justify this conduct has been equally futile with the attempt to impress on the public mind the necessity of the late rash and alarming measures of an administration which has not hesitated to plunge numerous victims into gaols without cause, and to keep them them there immured, without permitting their innocence to be established, in order that they might keep alive those fears and apprehensions to which they were indebted for the support of many, who were otherwise averse to their guilty measures.

Mr. *Lockhart* remarked, that though it had been stated by the solicitor-general, that the power did not proceed from the bill, but from the common law, yet ministers had in substance acted under the bill, and from that the recognizances had proceeded.

Sir *Samuel Romilly*, thinking the suspension act had existed much too long, and that it would have been better if it had never existed at all, said he should not give any opposition to the repeal. They were passing the bill with great propriety, and dispensing with the usual forms. They did so because it was a matter of extreme injury that the suspension should not be repealed immediately after it ceased to be necessary. Now, how long had this extreme injury been allowed to continue? Was the suspension act necessary last night—last week—a month—or two months ago? [Hear, hear!] When the question was before the House last session, it was proposed that the bill should expire on the 1st of December; that, if it should still be found necessary to vest ministers with these extraordinary powers, the judgment of parliament might have been taken on the subject. If the bill had only been in force to the 1st of December, parliament, in all probability, would not have been called to meet, and the act would have been allowed to expire. By not advising parliament to be called sooner than the 27th of January, the country had been existing in a state in which it ought not to have been suffered to exist. Because ministers had not thought proper to advise the assembling of parliament, the country had been exposed to the misfortune of existing under powers, for the continuance of which there was no necessity. These powers had been acted on till within a very few weeks of the time when ministers knew that they would have to account for their conduct. The fact was, that no necessity existed for the bill ever since the month of June last. He had not, since June, heard of any signs,—he would not say of an insurrection,—but of dissatisfaction existing in any part of the country. In that very month of June it was that the conduct of the missionaries employed by government was exposed. As soon as their conduct was brought under notice, these persons were discontinued in their employments, and since that time they had heard of no discontent, no dissatisfaction, no conspiracies.

Mr. *Bathurst* said, it was the practice of the other side of the House to represent this measure as setting its supporters in array against the people; but this was both uncandid and unjust. It was not against the people that ministers were furnished with this discretion; but against the deluded part of the people, and for the benefit of the public at large. In the same spirit the officers of the Crown had been charged by the hon. and learned gentleman with bringing forward some late proceedings, and persisting in them, for the express purpose of rendering juries contemptible, and thus preparing the public mind for further encroachments on one of their most valuable privileges. But common candour and justice would ascribe their conduct to a more honourable motive—to an imperative sense of public duty. It had been asserted, and with great confidence, that all the mischiefs which had occurred had their origin in the artful machinations of a certain individual, whose name had formerly been mentioned in that House. He had no difficulty in asserting, in opposition to all this clamour, that that individual had done no mischief whatever; that on the contrary he had done great service, and that he had disclosed conspiracies, at which he had only incidentally and accidentally been present; for surely little weight could attach to the unfortunate declarations of the men dying at Derby; besides that, they were fully disproved by their own previous statements. It had been stated that government ceased to employ spies in the month of June, and that from that period the country remained tranquil. But the real cause of this tranquillity was to be found rather in the suspension of the Habeas Corpus, and the salutary apprehensions of the trial which was then hanging over the disaffected. He solemnly protested, that, to the best of his judgment, the state of the country was not such at any given period up to this date, that the bill could have been before repealed with safety. He well knew, however, that it was no new thing to charge government with being the cause of the evil which they were instrumental in averting.

Sir *S. Romilly* said, he did not particularly allude to the employment of Oliver. The last report of the secret committee of the Lords had thrown sufficient light upon that subject, in which it had been stated, that the committee "had seen reason to apprehend that the language and conduct of some *persons* from whom information had been derived, might in some instances, have had the effect of encouraging those designs which it was intended they should only be the instruments of detecting."* Nor had one of his majesty's ministers scrupled to assert broadly, that it was his duty to employ such persons in such an objectionable way.

Mr. *Bathurst* said, that the persons alluded to in the report were not employed by government, but by inferior magistrates.

Mr. *Tierney* said, after what had fallen from the right hon. gentleman, they were to understand that a danger did exist up to the 20th of January, when the last person was discharged—a danger which rendered it unsafe to repeal the suspension of the Habeas Corpus. That point ministers were therefore pledged to make good; for if the suspension existed one single day beyond the necessity for it, the king's ministers were guilty of a crime against the liberty of the subject. According to the right hon. gentleman the reports of both Houses of parliament were wrong.—It seemed the spies had never, as stated in these reports, promoted any mischief. He was to prove that the spies employed by government were never in any one instance, the cause of mischief.

The Bill was then committed and reported. On the question being put, that the Bill be read a third time,

Lord *Folkestone* proposed a clause to the following effect:—That all persons bound by recognizances under the suspension act, be henceforth completely discharged from these recognizances, but that this clause should not apply to any other recognizances.

Lord *Castlereagh* said, that the clause proposed by the noble lord would place the House in an extremely awkward situation. In such a case the House would actually be legislating on a subject, the legality of which remained to be discussed in a court of justice. He hoped, therefore, the difficulty would be avoided by the noble lord withdrawing the clause proposed.

Mr. *Tierney* observed, that some of these poor unfortunate men had been more than twelve months in confinement, during which time their families had been left unprotected and starving. It was therefore a question not so much of justice as of humanity. Even if they could obtain redress in a court of law, yet they would be exposed to heavy expenses. He hoped, therefore, the House would save them this necessity, and release them completely from the effect of these recognizances as a small atonement for the heavy evils they had suffered from the act of suspension.

Lord *Folkestone* said, he rested his proposal, not upon a doubtful statement of any facts, but upon such as were notorious, and that he proposed merely the complete repeal of the suspension act.

The *Attorney General* said, it was impossible the gentlemen opposite could have rightly understood what he had said on the subject of these recognizances. He begged again to state, that the reason why the persons who had been set at liberty on their own recognizances had not been discharged from those recognizances, was, because they had maintained the illegality of their being obliged to enter into them. He therefore wished to give them an opportunity of bringing the matter to issue, and of having it decided by the court of King's Bench. Several of those persons had complained to him on the subject. He had told all of them that they would not be called upon. God forbid, that he or any other law officer of the Crown should attempt to direct any persons against whom charges had been made by government in what manner they should proceed in their defence. Many of those persons had asked his advice as to the manner in which they should proceed. He refused to advise them; but repeated, that their attendance was not necessary; and that if they had any fault to find with having been obliged to enter into those recognizances they might make their complaint to the court of King's Bench, or in any other manner they pleased. He did not wish to discharge them from their recognizances, lest it should be said that he had thereby deprived them of an opportunity of seeking redress. They had all received notice, save one, before they left their different homes, that their presence in town was not necessary. The person who did not receive such notice had set off for London before the notice reached that part of the country where he lived. It could not, therefore, be said, that their not being discharged was in order to harass or distress them. Another observation which had been made was, that because the suspension act was repealed every thing which had been done under that act should also be repealed.

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* See Vol. 36, p. 1097.

This he begged leave to deny. When the act itself was repealed it left every thing in the state it was before it was passed. The intention of the act was, to prevent persons who were arrested from being bailed, and to empower magistrates to detain them in custody until proceeded against, or set at large by the secretary of state, on such terms as the peace and well-being of the country made necessary. But it did not follow, when the act under which any persons were arrested was repealed, that those persons should be considered as free from all responsibility. Suppose any number of persons were arrested under the suspension of the Habeas Corpus act, against whom the officers of the Crown were not ready to proceed—if that act were to be repealed before those persons were brought to trial, ought they to be discharged on that account, though there were strong grounds of accusation against them? This, he supposed, no one would assert; and yet the argument of the gentlemen on the other side would go that length, if they maintained, that every thing which had been done under the suspension act was to be repealed with it.

Mr. *Brougham* imagined, that the attorney general did not yet understand the plea on which the clause was offered to the House. It was by virtue of the act of suspension that the secretary of state had been enabled to exact these recognizances from the prisoners. The persons bound by these recognizances might go to the King's-bench and demand to be released from them. But might not the King's-bench say that they had voluntarily, and with their eyes open, entered into them? Was it not likely they would say so? The attorney-general, then, well knew they were without their remedy. But what was it that had enabled the government to demand these recognizances in such a manner that the prisoners were compelled to comply? The suspension of the Habeas Corpus. It was then suspended; and at the time when their recognizances were entered into, no man knew how long it would remain suspended. Look then at the different situation of a prisoner while the suspension continued. In common cases, when the government had detained a man, they might offer him his discharge on his recognizance: if he refused that, the alternative was that he must be brought to trial. But, during the suspension of the Habeas Corpus act, if a prisoner refused to give his recognizance, the government was not obliged to bring him to trial. He would in that case be compelled to remain in prison, as the right of suing out his writ of Habeas Corpus was denied. Was there no difference between saying, "give your recognizance or you shall be brought to trial," and saying "give your recognizance or you shall remain in prison." Here was the git of the question. As the bill before the House was to place the subject in the same situation in which he stood before the passing of the act, it was therefore not consistent, that those from whom recognizances had been exacted under the act should be excepted from its beneficial operation.

The *Solicitor General* observed, that the necessity of the clause was now placed on a new ground, on which, however, he was ready to meet it. It had been said that the court of King's-bench would use those recognizances, the parties having entered into them voluntarily, as a ground for refusing to discharge them, and also for proving their being legally entered into. But that he conceived was not the question before the House. The question to be decided was, whether the parties taking those recognizances had a right to take them? If the magistrates who took them had no right to do so, then it mattered not whether the parties had entered into them voluntarily or otherwise, they were illegal. The only power taken from a magistrate by the suspension of the Habeas Corpus act was, his being prevented from setting those persons who might be arrested under it at liberty on bail. But any act of the persons who had been arrested, however willingly entered into by them, could not be binding on them if entered into before an incompetent tribunal. He should therefore repeat, that the only question was, whether the magistrates had a right to take those recognizances from the parties liberated, as if they had, there could be no complaint of illegality; if not, the recognizances were not binding.

Sir *S. Romilly* said, that his hon. and learned friend had stated that the question had been placed on a new ground, and that the only subject for consideration was, whether the parties taking the recognizances had a right to do so. The secretary of state had, by the suspension of the Habeas Corpus act, been vested with the power of taking persons into custody and detaining them, and, therefore, had the power of taking their recognizance if he chose to liberate them: at least, he had the power of detaining those who refused to enter into the recognizance which he demanded. But it appeared to him the question was, whether, when the act which empowered him to arrest and detain ceased, the power of demanding recognizance did not cease also? Previous to the suspension of the Habeas Corpus act, the secretary of state could not send for whom he pleased to tell him there was a charge against him, and that if he did not enter into recognizance to appear when called for he would commit him. He could not do this, because the law would not allow him so to do. Why then, he would ask, were those persons to be kept bound to appear when called on, against whom no charge of guilt had been brought, or, he believed, could be brought? If they repealed the suspension act, they had also a right to remove those hardships which had been brought upon those men who had been dragged from their homes without any cause, and who would otherwise be kept in continual alarm and suspense, lest they might on some future occasion be brought to trial on they know not what accusation. The attorney-general had said, that he intended to discharge the recognizances: if such were his intention perhaps his noble friend would not press the clause.

The *Attorney General* said, that were it not for the reasons which he had before given, the recognizances would all have been discharged. He should repeat, that he had declined doing so, lest it should be said that by having discharged them, he had prevented many individuals from seeking redress for what they considered a great grievance.

Sir *W. Burroughs* observed, that those persons who had been arrested under the suspension of the Habeas Corpus act, and afterwards set at liberty on their own recognizances, had sustained a much greater injury than was generally imagined. They had been accused of crimes of which no proof could be brought against them, and by being obliged to enter into recognizances for their appearance, an imputation of guilt had been cast upon them. A blot was thrown on their characters which it was not easy to remove from the public mind; and he would say, that if these persons had been arrested for the purpose of injuring their characters, and blasting their reputation, and not with the intention of proceeding against them, a very serious degree of blame attached to the secretary of state. He hoped the noble lord would press his clause, as it was of the utmost consequence to those persons to be relieved from the trouble of attending at any future day, and the fear of having their recognizances continued.

Lord *Folkestone* said, that to save the time of the House he would withdraw the clause, if the attorney-general would state that it was his intention to discharge all those recognizances. But if he only said it was not his intention to call upon them, he should press it; as he thought it was most strongly called for.

The *Attorney General* said, the nature of the case had been misunderstood, if it was supposed that the persons in question had entered into recognizances for their good behaviour. Their recognizances were only for their appearance in court to answer any charge that might be instituted against them. At the time they were discharged, it had not been determined whether any proceeding against them should be instituted. Their recognizances could not afterwards be discharged till the first day of term. On that day they appeared in court, notwithstanding the notice given them that their appearance was not necessary. When they appeared in court, he told them that their recognizances should not be acted upon, but should be immediately discharged; but some of them replied, that they had a right to make objections to the recognizances. He then at once said he would not deprive them of that right; God forbid that he should interpose, by any deed of his, between them and their right to bring forward legal objections. He had now no hesitation in saying, that their recognizances would be forthwith discharged.

Lord Folkestone then withdrew the proposed clause. The bill was read a third time, and passed.

PETITION FROM FRANCIS WARD COMPLAINING OF THE OPERATION OF THE HABEAS CORPUS SUSPENSION ACT.] Lord *Folkestone* said, he had a Petition to present from Francis Ward, one of the persons whose case had that day been under discussion. It was perhaps not drawn up in the manner which might have been best fitted to procure it attention, but it contained nothing offensive to the House. The Petition was then read, setting forth,

"That the petitioner is a lace-maker, and has resided in the town of Nottingham, upwards of 28 years, having a wife, four children, and a mother 90 years of age, dependent upon him for support; that on the 10th of June 1817, a number of the Nottingham police officers entered the petitioner's dwelling house, and one of them (Mr. Lawson) said to the petitioner, 'Mr. Ward, we are come to 'search your house;' the petitioner asked by what authority they came to do so; one of them observed, 'You may 'be sure we are not come without authority;' the petitioner replied, 'Show me 'it, or you shall not search my premises;' immediately Mr. Lawson held up in his hand a paper, and said, 'Here it is;' the petitioner requested him to read it, he replied, 'The law will not justify me in 'reading it, until we get before a magis'trate;' while this conversation was passing between the petitioner and Lawson, the other police officers were gone into different parts of the petitioner's dwelling house and premises; therefore seeing all remonstrance in vain, the petitioner reluctantly submitted to that which he thought diametrically opposed to both law and justice; the petitioner has no doubt but the sequel will prove to the House that he did not oppose the police from motives of fear; no, the man who is guided by this rule, 'Do unto others 'as you would they should do unto you,' has nothing to fear; and that rule which was laid down by no less a personage than Jesus Christ, has long been adopted and acted upon by the petitioner, so that he had no reason to dread the thoughts of ten or twelve constables searching his premises for seditious and treasonable documents; it was not from fear, but from a consciousness of the rectitude of the petitioner's conduct as a man and a subject, and from a persuasion of the illegality of those proceedings, that the petitioner opposed the searching of his house; when the police officers had took down a cannister, looked into a thimble, and searched the petitioner's house in vain, they frankly acknowledged there was nothing to be found which they were searching for; the petitioner asked them what they were looking for; one of them observed, 'You have that to find out.' Not being satisfied with such proceedings, the petitioner consulted an attorney, and was by him advised to make application for a copy of the warrant or authority by which the petitioner's house was searched, and for the names of the constables it was directed and delivered to; that the petitioner applied to Mr. Enfield, town clerk; he observed, 'You have no 'right to a copy,' and he repeated that assertion several times, and added with considerable emphasis, 'You may make 'application, but I know what advice I shall give.' The petitioner went directly to the police office, where he saw Mr. Alderman Saars, and acquainted him with the petitioner's business; the alderman said, 'Go backwards,' and immediately ordered a constable to take the petitioner into custody; that after remaining in that situation upwards of an hour, Mr. Alderman Barber (a near neighbour of the petitioner) came to him and said, 'I am very sorry for you Fran'cis, as I believe you to be an honest in'dustrious man, but I would advise you 'to withdraw your application.' He repeated that several times, and farther added, 'It is a dangerous case to press, however you will not consider me as advising you as a magistrate, but as a friend.' The petitioner informed him that the treatment he had received was altogether unmerited, and that, at all events, he was determined to press his application, conceiving he had an incontrovertible right to make the demand; that soon after this interview the petitioner was taken before the bench of magistrates at the police office, when the town clerk inquired of the petitioner what his application was; he informed the town clerk it was for a copy of the warrant issued ordering his dwelling house and premises to be searched, and for the names of the constables it was directed and delivered to; that the town clerk ordered the petitioner to be taken away until his case was disposed of. In a short time the petitioner was again introduced to the magistrates, and the town clerk then informed him that they had agreed not to grant the request, and that the petitioner must be detained for being concerned in the Loughborough outrage, alluding as the petitioner supposed to frame-breaking, which took place in Loughborough in June 1816. That the petitioner was taken to the town gaol, where (except what food his wife brought him) he had nothing but bread and water, felons allowance, and slept in one of the dampest cells that ever man was put into; added to this his bed was not only damp but had a strong sulphureous smell, which rendered it almost intolerable. Thus the petitioner was taken from his abode of comfort, without reason or justice, and cut off from society, except in the day-time, being immured in a small room with a felon; and although confined in this prison but four days, the petitioner there caught a severe cold, which is so firmly fixed upon his lungs, he has too much reason to fear it can never be removed. That on the 14th of June, the fourth day after his arrest, Mr. Alderman Barber, the town clerk, a king's messenger, and a Bow-street officer, came to the gaol, and informed the petitioner that he must prepare for a journey, as there was a warrant from the secretary of state. Mr. Barber then observed, 'The Loughborough business must stand 'over,' and the petitioner has heard no more of it from that time to the present; that he denies any participation or knowledge, either directly or indirectly, in the breaking of frames at Loughborough or elsewhere, or with the parties concerned therein, and he here challenges inquiry, and insists that the imputation so made upon him is groundless, and founded only in malice. That in about an hour afterwards the king's messenger and Bow-street officer came again to the gaol, and chained the petitioner hand and foot to a man of the name of Haynes; that before they got into the chaise the Bow-street officer said to the petitioner, 'If 'you heave your hands to let the chains 'be seen, you shall be the first that shall 'fall;' at the same time holding a pistol in his hand. On the road to London the fetters round the petitioner's hand gave him much pain, which caused him to comment upon the severe and unmerited treatment he was suffering; the officer observed, 'You wish to make it appear 'that you are not a disaffected person; 'the town clerk informed me that you 'are much respected by the mechanics 'of Loughborough and Leicester, and 'the working people in general, so that 'you are a dangerous man to be at large.' That on the 15th the petitioner arrived in London, and was placed in Cold Bath Fields prison, and on the 21st was taken before lord Sidmouth and other gentlemen; after inquiring the petitioner's age, he was informed that he was apprehended under a warrant from the secretary of state on suspicion of high treason, and that he should commit the petitioner to close confinement until delivered by due course of law; and farther observed, 'If 'you have any thing to say, you are at 'liberty to speak;' To that the petitioner replied, 'I declare my innocence, and if 'every action of my life was painted in 'its proper colour, your lordship would 'say I merited reward rather than punish-'ment.' In vain did the petitioner declare his innocence, and challenge inquiry and proof of his guilt; his lordship observed, 'You are not unjustly punished, 'for my information is from a respectable 'source, and you shall have a list of the 'evidence against you, and proper no-'tice of your trial before its commence-'ment.' That the petitioner was then conveyed back to Cold Bath Fields prison, and on the 24th was, with William Cliff (a young man from Derby), removed to Oxford Castle; that on the petitioner's arrival at that place he was confined by himself in one of the most dismal cells ever made for criminals under sentence of death, about eleven feet by seven; that when there was a fire in it the petitioner was nearly suffocated with smoke, and driven to the necessity of removing into the privy for air, in order to be enabled to respire. But what is here stated is not all the wretchedness connected with that excessively miserable cell that the petitioner was confined in, for such a stench descended the chimney during the night, that the dungeon was rendered almost intolerable, endangering the life of the petitioner; that he frequently applied to the governor to remove that intolerable evil, but in vain; that after remaining four days in such cell, William Cliff was brought down to it, and the petitioner taken up into a small room called the turnkey's lodge, and such alternate change was made every four days for between three and four months; and although the petitioner and Cliff passed each other once each fourth day, they were not permitted to hold any conversation, or even speak to each other; that near Michaelmas the petitioner and Cliff were allowed to be together a few hours each day; that circumstance was so far alleviating the rigorous treatment of the petitioner, although he had no previous acquaintance with, or knowledge of Cliff; that in the last few weeks of the petitioner's imprisonment, the prisoners in the Castle became so numerous, that it was found absolutely necessary for the petitioner and Cliff to be confined constantly in a turnkey's lodge, and in that situation the petitioner continued until the 13th of November, 1817, and was then liberated on his own recognizance of 100*l.* to appear in the court of King's-bench, Westminster, on the 23d of January, 1818, and there remain from day to day until discharged, and not depart the court without leave. That in the foregoing statement, the petitioner has attempted to give the House a plain detailed account of the sufferings, without exaggeration, he has undergone while detained under the suspension act; but, alas! this attempt comes far short of giving a full and clear description of the unheard-of cruelty he has been treated with, as no mention has been made of the excruciating torture of mind the petitioner has undergone;—here language fails, and to form any conception of his case, it will be necessary to figure to the imagination a man, who through life has taken a very active part in it, being accustomed to labour hard for his bread, by frequently having to work twelve, fourteen, sixteen hours a day, and sometimes more, the existence of a family depending on his exertions, which all at once ceases, and the intolerable state of inactivity succeeds; added to this, being possessed of all the finer feelings that adorn human nature, and those are for a long period stretched on the rack by his being dragged away from all that is near and dear to man in life; thus the glowing affection of a son, a husband, and a father, being simultaneously aroused, contributed not to sweeten the bitter cup of life, but to render it insupportable; for such an one, who has never been within the walls of a prison before, to be cut off from society, and immured within the walls of a dungeon not fit for a murderer to be confined in; what inconceivable sufferings must such an one experience! nothing but the thoughts of his innocence could enable him to bear up under the intolerable load! and this is precisely the case of the petitioner; and, if the patience of the House is not exhausted, the petitioner will mention some of the damages he has sustained while in prison; he has before stated, that his own health was so much injured, that he has too much reason to fear the complaint upon his lungs cannot be removed; his wife's constitution has been so much injured by uneasiness of mind, that she at present continues ill, and in all human probability is likely so to do. When the petitioner was arrested, he had ten machines employed in his shop, and a good seat of work for himself, but during his confinement the latter was lost, and he has not been able to obtain any more to the present time, and he found only two machines out of the ten employed at his return; since the 10th of June, 1817, to the present time, he has been unemployed, and is likely to continue so; that the petitioner's character and reputation, which is the main-spring of a poor man's existence, and in some cases as valuable as life, have received such a stab, by his being committed and detained on suspicion of high treason, that unless the petitioner is afforded an opportunity of clearing himself, it may contribute greatly to his total ruin; the petitioner therefore respectfully and earnestly requests the House to order that he may be brought to its bar, and undergo the strictest examination, and that he may be brought to trial according to law, and meet his accusers face to face, and thereby have the benefit and justice of the laws; and the petitioner also prays, that having thus detailed the sufferings he has unjustly endured, the House will afford him such redress as in their great wisdom seems fit, or that they will take such steps as shall lead to the punishment of the wrong-doers, and effectually prevent, in any other case, the recurrence of such unjust and cruel proceedings."

Lord *Folkestone* said, that the circumstances detailed in the petition were of so serious a nature, that it was his intention to move, that a committee be appointed for the purpose of inquiring into the truth of what it stated. If there was no objection, he would do so then; if otherwise, he would give notice of bringing it before the House as early as possible.

Mr. *Bennet* said, he hoped his noble friend would give notice of his motion. He could assure the House, the system was not confined to that miserable man, but that others had suffered under barbarous, inhuman, and illegal treatment; such as mixing them with felons, and loading them with irons for months together. Numerous petitions would be presented on the subject, and it would be the bounden duty of the House, as the representatives of the people, to inquire into them.

Lord Folkestone then presented a petition from certain inhabitants of Nottingham, setting forth, "That the petitioners are neighbours of, and have been for some years acquainted with Mr. Francis Ward, lately in confinement under a warrant from the secretary of state, on suspicion of high treason; that they have lately seen a petition which the said Francis Ward is about to offer to the House; that they wish to state to the House, that the said Francis Ward has always merited the character of a hard-working, sober, honest, industrious man, and has conducted himself with propriety and respectability in his station in life, and that the petitioners are fully assured that he is incapable of committing any act of treason, or of doing any thing which would justify the proceedings had against him; that he has, in consequence of his imprisonment, sustained much injury in his business; and that the petitioners pray the House to take his case into their most serious consideration, in order that they may provide the said Francis Ward with such relief as to their wisdom may appear just, and take such steps as shall effectually prevent the recurrence of such proceedings."

The petitions were ordered to be printed, and lord Folkestone gave notice of his intended motion for this day se'nnight.

IRISH GRAND JURIES PRESENTMENT ACT SUSPENSION BILL.] Mr. *Vesey Fitzgerald* rose to move for leave to bring in a bill, to suspend the operation of the Irish Grand Jury Presentment act, which had been passed in the last session. The reasons for his calling upon the House to take this step were, the impossibility at the present time to carry the provisions of that act into effect, from the great difficulty of finding proper persons to undertake the office of county surveyor. No time would be lost between now and the spring to endeavour to carry that desirable measure into effect; but it was highly necessary to look at the qualifications of the persons who offered themselves; and for that purpose, the government had been particularly careful in selecting such persons as judges, as could be most depended upon. He would now simply move, for leave to bring in a bill to suspend the operation of the act for regulating the Irish Grand Jury Presentments.

Mr. *Abercromby* thought it an ill omen, that the right hon. gentleman had not stated any intention to propose a substitute for the measure which he meant to suspend. This was to be lamented the more, as the system of Irish Grand Jury Presentments was confessedly such as called loudly for some legislative remedy. But after the reports from two central committees, every man must be impressed with the necessity for such a measure. He could not doubt the sincerity of the right hon. mover, who was the original author of the act which he now proposed to suspend, nor the disposition of the Irish government to carry it into execution; but it seemed strange, that where there were places to dispose of in Ireland, there should not be found a sufficient number of candidates. Yet the difficulty of finding 32 surveyors, was one of the main causes alleged for this motion; for the other cause, namely, the limitation of the grant of presentments to the summer assizes, might be easily removed, without suspending the present act.

Mr. *Fitzgerald* assured the learned gentleman, that he felt extremely anxious for the success of this measure, but finding so many difficulties in the way of its execution, and the government consequently embarrassed, he thought himself bound in candour to propose its suspension; which, however, it was to be observed, was only to continue during the present session, within which period he hoped that a more practicable measure would be devised. The learned gentleman might be assured, that he was not disposed to withdraw from the principle of the measure to which his motion referred, but, to render that principle effective, he must look for the support of other gentlemen, who felt an interest in the concerns of Ireland.

Mr. *Peel* vindicated the conduct of the Irish government, who were decidedly anxious for the principle of this measure; but to render that measure effective, 32 fully competent surveyors were necessary. In order, then, to ascertain the competency of the candidates for this office, three respectable commissioners were appointed, and the result of their examination was most discouraging, therefore it was found necessary to suspend the measure, and he hoped that the disposition of government could hardly be questioned, when it was recollected, that in abandoning the measure, it abandoned the pa-

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tronage of appointing thirty-two officers, some with 300*l.* and many with 600*l.* a year each.

Sir *H. Parnell* agreed in the propriety of the proposed suspension, not so much for the reasons stated by the right hon. mover, as from other considerations; but he hoped that another and more efficient measure would be brought forward by some one connected with the government; for if it came from any other quarter, its success would be problematical. He trusted that such a measure would be speedily proposed, for if delayed until a late period of the session, he foresaw that it would fail. As to the difficulty of providing competent surveyors, he believed that several could be easily found in this country. This he was led to conclude from the fact, that the surveyor who superintended the operative part of the great road to Holyhead, had for two years only 150*l.* a year. Surely, then, this person, and many such could be found in England, would not be unwilling to go to Ireland upon salaries of from 3 to 600*l.* a year. But the Grand Jury system in Ireland was notoriously so productive of corruption, fraud, and perjury, that the legislature could not, without a gross desertion of duty, allow such a system to go on. Under this system, no less than half a million was annually levied in Ireland; and the error of parliament heretofore had been, that it thought too much of those who imposed the tax, and too little of those who paid it. This system was, in fact, the perpetual cause of discontent in Ireland, for it led to the greatest exaction and injustice, especially towards the peasantry, and therefore he trusted the session would not close without some effectual measure to rescue Ireland from such a grievous calamity.

Leave was given to bring in the bill.

BANK RESTRICTION.] Mr. *Grenfell* rose for the purpose of obtaining some information from the chancellor of the exchequer with regard to one or two very important questions, intimately connected with the financial and commercial interests of the country. They were questions upon which distinct information ought to be given without delay. He alluded, in the first place, to the resumption of cash payments on the part of the Bank of England, which, as at present fixed by law, would take place on the 5th of July next. After the promises and the declarations, so often renewed by the government and the Bank, it was natural to suppose, that no doubt or uncertainty would prevail in any quarter, as to the probability of cash payments being actually resumed when that period should arrive. Very considerable doubt did nevertheless exist in the public mind upon this subject, and more especially among that class of society which was frequently described as the monied interest. It was desirable that this uncertainty should not continue one moment after his majesty's ministers had it in their power to remove it. No honourable member, who had a practical knowledge of what was now daily passing in the city, could be ignorant of the very large transactions and speculations of a gambling nature that were entered into, and depended upon the result of this contingency. It was obvious that, in such a course of adventure, those who had the means of making themselves acquainted with the real intentions of his majesty's ministers, must possess a material advantage over those who were not in the secret. For these different reasons, he hoped he should not be considered as making an extraordinary request on behalf of the public, when he desired to know whether any event had occurred, or was expected to occur, which, in its consequences, would prevent the resumption of cash payments on the 5th of July next. There was another question, upon which he was likewise desirous that some information should be afforded, as it equally related to the subject of the connexion between the government and the Bank. The public at present stood in the situation of debtor to the Bank for two loans, in his opinion improperly so called, but for two loans, one of 3,000,000*l.* advanced without interest, the other of 6,000,000*l.* at an interest of 4 per cent, and which would soon become payable. Until these loans should be repaid, the Bank had secured to themselves the undisturbed possession of a balance upon the public money deposited in their hands, which, for the last twelve years, had never fallen short, upon an average, of 11,000,000*l.*, or two millions more than the sum which they claimed to be due to them from the public. He was convinced that it would be highly advantageous to the public interests that the government of the country should be unfettered by these obligations; and what he wished on this occasion to inquire was, whether any arrangement was in progress, or had been concluded, either for discharging the loans in question, or placing them on a better footing; and if any, what arrangement?

The *Chancellor of the Exchequer* expressed his wish to give a distinct answer to the important question which the hon. gentleman had thought proper to put; namely, whether it was the intention of his majesty's ministers to propose any farther continuance of the restriction upon cash payments by the Bank. He was enabled to say, that the Bank had made ample preparation for resuming its payments in cash at the time fixed by parliament, and that he knew of nothing in the internal state of the country, or in its political relations with foreign powers, which would render it expedient to continue the restriction; but that there was reason to believe that pecuniary arrangements of foreign powers were going on, of such a nature and extent, as might probably make it necessary for parliament to continue the restriction, so long as the immediate effects of those arrangements were in operation. In order to guard against any misunderstanding, the right hon. gentleman repeated this statement, and then proceeded to the other points referred to. As to the loan of six millions from the Bank, at 4 per cent interest, he should, ere long, have to submit a proposition to the House for the payment of that debt; but with respect to the three millions without interest, which, for obvious reasons, was rather to be regarded as a gift than as a loan, he rather thought that neither the House nor the hon. gentleman himself, would be reconciled to any proposition for depriving the public of such an important accommodation.

Mr. *Tierney* observed, that the right hon. gentleman had said, that the Bank was prepared, or in a condition to resume the payment of its notes in cash, which was rather surprising, as the issue of those notes had been materially enlarged, instead of being diminished, for some time back. Yet the Bank, according to the right hon. gentleman, was not only prepared to resume its cash payments, but there was nothing in the internal situation or foreign relations of the country to prevent that resumption. There was, however, something about loans to foreign powers, which might, it seemed, urge his majesty's ministers to propose a farther continuance of the restriction. What impression, he would ask, was such a declaration calculated to produce? It tended, in his view, rather to encourage than to remove doubt. But the truth was, as it appeared to him, that there were some persons in this country very much disposed to continue the restriction, if they could find any excuse for it; and as such excuse did not offer itself at home, they looked abroad for it. The right hon. gentleman had said something about foreign financial measures; but he had afforded no clue by which any one could come to a definite conclusion as to his purpose. It would perhaps have been better if the right hon. gentleman had declined to give any answer, than to have offered one so unsatisfactory and indefinite. For according to the right hon. gentleman, so far as he was intelligible, the object alluded to by his hon. friend, depended upon the measures of foreign powers. So, in order to decide upon the question, whether the Bank was likely to resume its cash payments in July, or whether the restriction was to continue, we must look to the foreign mails! thus the wind, or a change in the moon, might serve to throw the country into a state of doubt upon this important question. The right hon. gentleman was, it appeared, about to make some propositions for paying off the six millions due to the Bank; but he declined to suggest, and professed even an unwillingness to think of, any arrangement for discharging the loan of three millions, because, truly, its non-payment afforded an accommodation to the public. But this, he must say, was rather a singular reason for declining to pay a debt. Those loans, however, were of minor importance compared to the great and vital question, whether or not the Bank would resume its payments in cash on the 5th of July? The right hon gentleman had not intimated when any foreign financial measures were likely to urge a proposition for continuing the restriction act, but of course such a proposition must be brought forward before July. He remembered when any expression of the slightest doubt as to the resumption of cash payments by the Bank upon the expiration of the present act, was strongly deprecated on the other side of the House. When he last session expressed such doubt, he had been twitted with the assertion, "is not the Bank already paying its notes in cash?"

What sort of payments were then made he need not describe. They certainly did not encourage any calculation upon the capacity or disposition of the Bank to return to the old system of paying its notes in cash. But when was that system to return? Upon this important question the House and the country were still in the dark; and the fact was that the right hon. gentleman holding the office of chancellor of the exchequer, had not himself any one distinct idea upon the subject.

HOUSE OF LORDS.

Monday, February 2.

Clerk of the Parliament—Offices in Reversion.] Earl *Grosvenor* rose to inquire, whether any thing had been done in consequence of what passed on the first day of the session, on the subject of the appointment, by reversion, to the office of clerk of the parliament. It was his intention to move for an account of all offices held by grants in reversion.

The Earl of *Liverpool* said, that the committee to which the patent granting the reversion was to be referred, would have several objects submitted to its consideration, the investigation of which might occupy some time. It was, however, his intention, in the course of the session, to propose, relative to the office of clerk of the parliament, some legislative measure which would operate prospectively. To fulfil this intention, a bill would be necessary, which he should introduce.

The Earl of *Lauderdale* said, that as the object his noble friend had in view was to render the office of clerk of the parliament, an efficient office, the motion had his approbation.

Earl *Grosvenor* wished an inquiry to be instituted into the nature of all offices granted in reversion, and would be glad to obtain an official account of their salaries and duties. He did not know how far the noble lord meant his measure should extend, but he apprehended he did not intend to go the length of abolishing the office of clerk of parliament. Nothing more strikingly showed the impropriety of granting offices in reversion than what had occurred with respect to the one at present under consideration. He was persuaded that the gentleman who lately held the office of clerk of parliament would never have asked the reversion for his son, could he have foreseen that that son would have filled the situation of ambassador to a foreign court at the time that the duties of his office as clerk of parliament required his presence in that House. It was his intention to propose the abolition of the practice of granting places in reversion, and that the abolition should be extended not only to grants from the crown, but to those made by the judges, and indeed to grants in reversion of every description connected with the public service or the institutions of the country. In the mean time, he moved an address to the Prince Regent, praying that he would order an account to be laid before the House of all grants in reversion of offices held immediately from the crown, and also all grants in reversion of other public offices.

The Earl of *Liverpool* objected to the general nature of the motion. If the noble earl confined it to those offices held under the Crown, he should be ready to agree to it.

The *Lord Chancellor* thought the noble earl might divide his motion, if he continued of opinion that he ought to call for information as to both species of offices. For his own part, he had on a former occasion stated his sentiments to the House on this question, and he still continued of the same opinion as to the utility of the offices referred to in the latter part of the motion.

The Earl of *Lauderdale* could not see any necessity for his noble friend pressing his motion in its present shape, nor could he understand the motive of the noble earl opposite in rejecting it, as the information asked for was in fact already before the House. At all events, he thought it would not be necessary for his noble friend to adhere to his large motion, and therefore he recommended him to divide it.

The *Lord Chancellor* said, he should be very well pleased to see a statement of all grants in reversion laid before their lordships, and probably should himself shape a motion calculated to attain that object. His opinion with regard to offices granted by the judges, as he had already intimated remained, unaltered. Many offices formerly bestowed by the chancellor were now in the gift of the Crown; but with regard to the judges in the other courts, the power of giving those offices was necessary, as a part of their emoluments arose from those gifts. Were it not for this, the incomes of the judges would be totally inadequate to the laborious and important duties they had to perform.

Earl *Grosvenor* said, that all that had occurred since the subject was last discussed had only tended to fortify him in his opinion, that nothing could be more injurious to the interests of the public than granting offices in reversion. In saying this, he by no means meant to suggest, that he thought the learned lord, or any of the judges, were overpaid for their services. What he objected to was not the amount of their emoluments, but the mode in which they were obtained. With regard to the motion, he was willing to divide it, and to press, for the present, only the first part relative to grants from the Crown.

The motion thus altered was agreed to.

Papers on the State of the Country.] Lord *Sidmouth* said, he had now, in compliance with the commands of the Prince Regent, to lay before their lordships, certain papers relative to the state of the country. It was his intention to have moved that those papers should be referred to a secret committee; but he was induced to postpone the execution of that intention, as two noble lords (the marquis of Lansdowne and lord Holland) who wished to be present, were prevented from attending by a melancholy occurrence (the death of the earl of Upper Ossory.) He understood, however, that one of those noble lords might be expected to attend to-morrow. He would, therefore, on that day move for the appointment of a committee.

HOUSE OF LORDS.

Tuesday, February 3.

Bank Restriction.] The Earl of *Lauderdale* said, he would trouble their lordships with some motions connected with a question of the greatest moment. The time was fast approaching when the subject of the resumption of cash-payments by the Bank must come before their lordships. He trusted that parliament would not consent to continue the restriction without a full inquiry into the circumstances of the case, which alone could enable them to come to a right decision on the whole of this question, upon which more than upon any other the welfare of the country depended. He concluded by moving for accounts of the weekly amount of bank notes in circulation in the years 1815, 16, and 17; the average amount, the highest and lowest amount in each year, distinguishing the notes of different sums, the rates of exchange, the number of licenses granted for the issue of notes, &c.; all of which were ordered.

Lord *King* said, he felt himself called upon to advert to the subject of the Bank, in consequence of having heard, with the greatest regret, from official authority in another place, that doubts existed whether payments in cash could be resumed at the bank at the period pointed out for that purpose. The reason assigned for this apprehended delay was so extraordinary in itself, and so unintelligible to the country, it being impossible to conceive how in reality the negotiation of foreign loans could tend to prevent the resumption of cash payments by the bank of England, that it could only be considered as the ostensible reason, and not the real one. He could not but consider this postponement as a measure the most detrimental to the interests of the country. Without a metallic currency there could be no certainty, no stability in any contracts or dealings, and speculation was let loose upon the country in all its most injurious forms. What would be said if the minister of France were to tell the legislative body of that country that the bank of France could not pay in cash, because there was a loan negotiating there for England or any other country? Would not such an assertion be laughed at as a mere subterfuge? and was it to be expected that such an assertion here would not be considered in precisely a similar light? If, indeed, the negotiating of loans here for foreign countries was to be a cause of preventing the bank of England from paying in cash, then he could conceive no time in which that return to a healthy circulation could take place. This was most alarming to the country, nor could he conceive any line of conduct more calculated to produce the most serious injury. Were they to understand, that the government was unable to pay its debts to the bank, and that thus the latter were unable to pay in specie? He deprecated such a system as the most impolitic that could possibly be acted upon, convinced, as he was, that there could be no security whatever but in the return to the sound and healthy circulation of a metallic currency.

The Earl of *Liverpool* said, that he

should not enter into any discussion of the topics on which the noble lord had touched. They were, it was true, questions which had given rise to much difference of opinion in that House and elsewhere, and he was also aware, that there still existed great difference of sentiment as to the policy of the financial measures pursued in the course of the last war. He was not, however, called upon to vindicate that policy at present. With regard to the particular measure to which the noble lord's inquiry was directed, he had uniformly held, and still did hold, that it was the interest of this country and of the bank, that cash-payments should be resumed as speedily as possible. In stating that he always felt the force of this principle, he must also remark that he was equally convinced that the particular moment when the bank ought to resume the regular course of payment was a consideration of the greatest delicacy and importance. Whatever might have been stated during the war as to the resumption of cash-payments on the return of peace, still the question as to the precise period for the adoption of that measure was always understood to be left to the decision of parliament, on a full consideration of the circumstances which might exist at the time. Having said thus much he should only add, that he had ground for believing, and indeed knowing that the bank had made every necessary preparation for answering the demands which might arise by the expiration of the restriction bill, and he saw nothing in the domestic situation of the country, or in our foreign relations, that was calculated to produce any undue delay in the resumption of cash-payments. It was possible, however, that there might be circumstances in existing pecuniary arrangements of foreign powers which would render it adviseable for parliament to consider whether the act ought not to remain in force, as long those circumstances, which were not likely to recur again, continued to operate. If any supposition was entertained of the delay being occasioned by financial transactions between the government and the bank, he could assure their lordships it was perfectly groundless.

Lord *King* said, that he did not impute the continuance of the restriction to any improper understanding between the government and the Bank. He merely meant, that if the Bank were limited in their issues of paper, they could not afford such extensive accommodation to the government as they are at present enabled to do in the taking of exchequer bills.

The Earl of *Lauderdale* said, he should consider himself wanting in duty, were he to allow what had fallen from the noble secretary of state to pass unnoticed. The noble secretary had stated, that the particular period for the resumption of cash-payments was a question of expediency, which required great consideration. Now, only two years ago, the noble secretary had treated with great derision all those who ventured to doubt that the Bank would pay in cash within two years from that time. For his part, he had never expected that the Bank would pay in cash at the period promised, nor could such an expectation be entertained by any one who fairly considered the nature of the connexion between the Bank and the government. The noble secretary had declared, that notwithstanding the intended delay, there was nothing in the situation of the country to prevent the restriction act from being allowed to expire, and that the Bank was perfectly prepared to pay its notes in cash at the time fixed by the act of parliament. He knew not on what information the noble earl had founded his opinion as to this ability of the Bank. He derived it, perhaps; from some of the directors, but there might be different opinions among them. But though the Bank had made ample preparation, the noble secretary hinted, that still there might be something in the relations subsisting among foreign powers, which ought to retard the resumption of cash-payments; but what that something was, he had not chosen to explain. From what he had said, however, this much appeared—that this most important of all measures to the welfare and prosperity of the country, no longer depended upon the decision of the British parliament on what might be done by the government of France, or of any other foreign country. The noble lord stated, such a circumstance was not likely to recur; but what security could be found for this assurance? Could the noble lord pledge himself that the governments of Russia or Prussia might not choose to negotiate a loan, as soon as the effect of the one now making for France might cease to operate? Would not a loan for any of these powers be as good a reason for postponing the day of paying in cash, as that now negotiating for France? Let the case be reversed, and suppose a French minister were to say, to any assembly in that country, that the Bank of France could not be allowed to pay, because a small loan was negotiating by this country, would he not be laughed at for giving such a reason? In fact, the cause of delay assigned by the noble earl was of so extraordinary a nature, that it called for the most serious consideration their lordships could give it. A full and complete investigation was necessary. The proper course would be to examine the Bank directors; and indeed he thought that nothing short of an inquiry of that kind could satisfy parliament and the country. If the noble earl and his colleagues persisted in their present course, without any efficient investigation, they would expose themselves to a more serious responsibility than any ministers had ever ventured to encounter; for they now placed the country in this situation—that the resumption of cash-payments was no longer to depend on the wisdom of parliament, but on measures which any continental despot or foreign assembly might choose to adopt. Nothing could be more alarming to the monied interest, the landed interest, and indeed to all classes in the country, than such a state of things as this presented.

The motions were agreed to.

SECRET COMMITTEE ON THE STATE OF THE COUNTRY.] Lord *Sidmouth* moved, that the Papers which, by order of the Prince Regent, he had yesterday laid on the table, should be referred to a secret committee, to be chosen by ballot.

The Marquis of *Lansdowne* said, that when he considered what had been the nature of the early proceedings on the subject to which the papers proposed to be referred to a committee related, he thought it necessary to call the attention of the House to the course now proposed to be adopted by the noble secretary of state. As the papers were unaccompanied by a message from the House, he thought their lordships were entitled to some explanation from the noble viscount, of the reasons on which his conduct was founded. The papers laid on the table must have one of two objects: either it is meant to found on them some prospective measures, which however he hoped would not be the case; or else it is intended to make them serve to the House and to the country as a justification of the past. If either of these objects were in view, or both of them, it was equally important that their lordships should have the opportunity, not only of examining witnesses, but of investigating every circumstance connected with them, which might be necessary to elicit the truth. The mode of selecting the individuals to whom the papers were to be submitted, was therefore a question of great importance: for it was most essential, with a view to any measure that might be adopted, that the investigation should be full and complete. That was the only inquiry which could be satisfactory either to the House or the country. It was, therefore, an important question for their lordships, whether, in choosing a committee, it ought not to be one so constituted as to ensure a full investigation of all the parts of the subject submitted to their consideration, and thereby to lay a foundation for measures which could not fail to be satisfactory. For this reason he submitted to the noble viscount, whether he ought not to state to the House the reasons which had induced him to propose the course of secret investigation which his motion implied.

Lord *Sidmouth* referred to the proceedings in the appointment of the two former committees of secrecy, on which occasions no measure was previously suggested, but it was left to the committees to recommend whatever measures they thought necessary, from the nature of the information laid before them. The same course was intended to be pursued with regard to the present committee. With respect to the precedents, there were several of communications of this nature being made, without the intervention of messages from the Crown; one, for instance, in 1801. He had no hesitation, however, in stating, that the object with regard to the present measure was, to lay before the committee documents with respect to the state of the country since the report of the last committee of secrecy, and also repecting the mode in which the powers entrusted to the crown had been exercised. It would be for the committee, on the investigation of the evidence before them, to say whether any, and what measure was necessary. With regard to the powers given to the committee, it should be recollected, that the practice differed in that House from that of the House of Commons. It was not the practice of their lordships' House to impower any committee to send for persons, papers, and records. But the committee might suggest any evidence that they might consider necessary, and apply to the House upon the subject, when either witnesses might be sworn at the bar to attend to give evidence before the committee, or the House might order papers to be produced for the information of the committee. He could not anticipate any objection to the appointment of a committee for the consideration of the papers communicated from the crown. It would be for the House, upon the report, to determine whether any and what course should be adopted in pursuance of that report.

The Earl of *Carnarvon* said, that after the House had been told from the throne, that the country was in a state of perfect tranquillity, they could not be acting on the spur of any necessity, or feel the influence of alarm; there was, therefore, full time for deliberation. But if it was to be the province of the future committee to inquire how ministers had exercised the high discretionary powers that had been vested in them, the House must not delude itself or the country, by consenting to go into that inquiry upon such information as should be furnished by ministers themselves: the committee should have power to call for other evidence, and examine other facts. He would not then go into much allusion on the two reports of last session, but he intreated their lordships to compare those reports with the judicial proceedings that had followed upon them, and then to see whether they would still be so enamoured of secret committees, as to be satisfied, from similar documents to produce a similar report. He entreated them to consider, whether such a report, grounded on such evidence, would not be a solemn mockery, from which no benefit could result to the country. The noble lord had referred to the precedent of 1801. That precedent led to a bill of indemnity for all the acts of power exercised by ministers: but after all we had seen and heard, after all ministers had pledged themselves to prove, and the number of verdicts they had subsequently recovered; after it had been repeatedly stated that there was but too great reason to believe that the servants of government had themselves excited the disturbances that had occurred, before they passed such a bill they ought to be well satisfied, whether all the acts of insurrection proved (and there were none proved but at Derby), were not attributable to the very agents employed by ministers. If their lordships should be content, on a secret inquiry, completely to indemnify ministers for all that had passed, and by that means preclude all those who had been injured in fortune, health, and character, who had languished in dungeons, or groaned beneath the weight of fetters, from any hope of retrieving their losses, or establishing their character—if their lordships should be satisfied to give such an indemnity as should exclude these victims of power from all redress of their wrongs—if their lordships should act thus, they would not do their duty to themselves or to their country. He must enter his caveat against instituting an inquiry into the conduct of ministers, upon any mere showing of their own, and thus making them at once their own accusers, witnesses, and judges.

The Earl of *Liverpool* contended, that the simple question for the consideration of the House was, whether they would appoint a committee to examine the information laid before them, and follow the invariable usage on such occasions? He was aware that, in some instances, proceedings of this nature had originated in a message from the crown, and at other times not. But in all cases where the crown had made a communication on the state of affairs, whether foreign or domestic, whenever that communication had been secret, it was usual to institute a secret committee to enter into the inquiry. The proceedings of that House were of a nature peculiar to itself, and the course pursued in them applied to all cases of proceedings on inquiries. Even where those proceedings were public, no power was delegated to committees of that House to call for persons, papers, or records, but they were compelled to come to the House, and through their chairman to name the persons and papers they required, and then move for their production. This was the rule and invariable practice of the House. Under these circumstances, he did not think the House could have any doubt as to the course it ought to pursue. That was not the time to discuss the merits of the two reports, or the measures that had arisen out of them, or the nature of the report that the present committee should make, or whether any or what measures should follow it. He should only say, that if the noble lord opposite thought him ready to admit, from the result of the trials that had taken place, that any facts in those reports had been contradicted, he was so far from making such admission, that he thought the result of the trials strongly confirmed all that had been laid before the committee. Not only had 50 true bills for treason been found by the grand jury, but 36 individuals had been convicted, or had admitted their guilt. He would not now discuss any farther the reports of last year, but those reports had been, in that House at least, the result of unanimous opinion on the part of the committee; and, in the other House, the committee was also unanimous on the report, though there was a difference of opinion as to the measures that ought to be pursued in consequence. Their lordships had now laid before them important information on the state of the country since the period of the last report up to the present time; and the question was, whether the House would refer that information to a committee in the ordinary course? It would be open to that committee to determine how it should act on that information; it would be open to the House, whether it should act on the representation of the committee; and it would then be for them to consider, whether any other measures ought to be pursued?

The Marquis of *Lansdowne* said, he had not opposed referring the papers to a committee of secrecy, on the contrary, he thought that was the most advisable course to be pursued. What he contended for was, that a large and extensive inquiry was necessary; and whether it was to be effected by creating a precedent, and giving the committee powers to send for persons, papers, and records, or whether they were to apply to the House to order the attendance of such witnesses or the production of such papers as they thought necessary, was immaterial. He was certain of this, that if the inquiry was to be confined to the papers furnished by ministers, the result would not, he should hope, be satisfactory to that House; he was certain it would not be satisfactory to the country.

The Earl of *Carnarvon* observed, that he had not stated that the reports of the committee of secrecy had been falsified, but that they had not been borne out by the subsequent judicial proceedings. As to the bill of indictment found by the grand jury at Derby, they had found it upon *ex parte* evidence; so the secret committees of last session had made their report upon *ex parte* evidence; and upon *ex parte* evidence ministers might get what report they pleased, as by making their own case they of course could obtain whatever report they pleased, if no other evidence was allowed to be brought forward.

The motion was then agreed to.

HOUSE OF COMMONS.

Tuesday, February 3.

FINANCE COMMITTEE APPOINTED.] The dropped order for the appointment of the Finance Committee being read,

Lord *Castlereagh* said, that in calling the attention of the House to this subject, he did not think it necessary to go over the same arguments which had been adduced when the committee was first constituted. The House would see the importance of losing no time in reviving that committee, as to which, he might say, that whatever difference there was respecting any particular measure which they might have recommended, there could be no difference as to its activity aad fidelity. If some doubted whether the course of their investigations had been in the true spirit which parliament and the country expected from them, there could be but one opinion as to the extent of their inquiries, and the importance of the objects to which they had turned their attention. The committee had drawn up six extensive and laborious reports respecting the official establishments, the official reductions which were advisable, and the modifications which might be advantageous to the public service. Though the committee had not imagined that the House had devolved to it the consideration as to what precise establishments would be necessary in the great branches of the public service—the army, the navy, and the ordnance; yet they had exhibited so many and so important views on that subject, that when the House hereafter discussed those subjects, their decision would be much more easy. The committee also had made inquiries on the great subject of the general revenue and expenditure of the country, and how far they were likely to square and meet. Other objects still remained for the consideration of the committee, and he should therefore move that it be revived. He should not think it necessary to go into a detail of the measures which his majesty's ministers had adopted in consequence of that report, but it would be the duty of ministers, immediately on the re-appointment of that committee, to give a full account of what they had done, on its recommendation. It would be then shown that the earliest attention had been paid to their suggestions, and that all their recommendations of particular measures of economy had been followed, except in particular instances, in which they would lay all the grounds before them on which they had acted. When he had first proposed the formation of this committee he had observed, that a committee to inquire into so large a subject as the income and expenditure of the country after so long a war, would probably go on to a second, or perhaps a third year, before it would conclude its inquiries, as it could not till that time be known what the permanent income and expenditure was likely to be, and what sum might be expended, not only without running in debt, but with the establishment of a fund for the reduction of that debt. His hon. friend the member for Bramber had (he thought unfairly) taken up this admission, and concluded that, because the inquiries were to be so long continued, nothing was to be done in the mean time. It would be seen that this inference was erroneous, and that the country had received substantial relief in point of sound economy. He should not wander to a statement of all that had been done, but he should mention that a reduction had been made in the army, especially in the amount of our force in Ireland. He was happy to say, that when parliament on a late occasion had placed confidence in the tranquillity of that part of the empire, it had not been disappointed. No government had less reason to fear local difficulties than the government of that island; and during the late time of distress, the spirit of charity and benevolence that had prevailed, and the exertions of the higher for the benefit of the lower classes, had drawn closer the bond of social attachment between them. It was interesting to observe how that country had passed through the late time of distress, without the obligation of granting relief being imposed by law. When the estimates were laid before the House, the increase and decrease of expense, and the reasons for each, might easily at one view be pointed out. He should now move to re-appoint the committee of last year. He should propose the same names, as well on account of their respectability, as on account of the great addition to their experience.—The noble lord then moved, "That a select committee be appointed, to inquire into and state the income and expenditure of the united kingdom for the year ended the 5th of January 1818; and also to consider and state the probable income and expenditure, so far as the same can now be estimated, for the years ending the 5th of January 1819 and the 5th of January 1820 respectively, and to report the same, together with their observations thereupon, to the House; and also to consider what farther measures may be adopted for the relief of the country from any part of the said expenditure without detriment to the public interests."

The motion was agreed to, and the following members appointed; viz. lord Castlereagh, Mr. Bankes, the Chancellor of the Exchequer, lord Binning, Mr. Bootle Wilbraham, Mr. Peel, Mr. Hart Davis, sir George Clerk, Mr. Frankland Lewis, Mr. Huskisson, Mr. Tremayne, Mr. Nicolson Calvert, Mr. Davies Gilbert, Mr. Cartwright, Mr. Holford, Mr. Littleton, lord Clive, Mr. Gooch, sir Thomas Acland, Mr. Robert Smith, and Mr. Calcraft.

Mr. *Bankes* said, that a right hon. gentleman, of great knowledge in matters of finance, was placed on the committee of last year, but had retired on account of the ill state of his health. It was now happily restored; and he suggested that he should be placed on the committee.

Mr. *Tierney* said, that though he was somewhat recovered, he was still in too weak a state to attend to business in the morning and in the evening also. He begged, therefore, to be excused from serving on the committee.

Lord *Castlereagh* said, that the manner in which the committee had proceeded was, to invite the attendance of any member of the House, who had peculiar information in any particular branch of public business. This was the case with the heads of official departments, and he did not think a better course could be pursued this session. He should be unwilling that any alteration should be made in the names on that committee, on account of their intimate acquaintance with the former part of the investigation; but the occasional assistance of any other member might be obtained.

Mr. *Bankes* could not see how the right hon. gentleman could be desired to give his attendance in that manner. If he did, he would only be an idle observer, as he would not have an effective voice.

MOTION FOR PAPERS RELATING TO THE BANK OF ENGLAND.] Mr. *Grenfell* said, he should trouble the House with a few observations, in relation to the papers for which he was about to move. It would be absurd for him to affect any surprise at the communication of the chancellor of the exchequer, respecting the affairs of the Bank. Though he was unaware of the grounds which had been stated for continuing the restriction, he was aware that on some pretence or other such a communication would be made. He had long expressed a persuasion in that House, that such a course would be taken, when the ministers approached the time when they were to fulfil those promises and hopes, with which, for the last three years, they had entertained, might he not say deluded the House and the country. Those promises had been given not only by the chancellor of the exchequer, but by other members of his majesty's government, and particularly by the right hon. the surveyor of woods and forests. There were words, too, introduced into the bill, to impress more strongly on the country the confident expectation that, on the 5th of July next, the Bank would resume its payments in cash. These fair promises and protestations on the part of the government, were met by similar promises and protestations on the part of the Bank. The governors of that corporation declared, that they were not only able, but most anxious to discharge their solemn engagements to the public. If the directors were sincere, and he had no reason to believe that they were not, particularly one director, of great respectability, not in that House—Mr. Harman—the Bank, for its credit, was desirous of resuming its payments. That corporation would, he hoped, beg to be relieved from that situation in which it had been placed in the year 1797, which, whatever profit was derived from it, was a situation of disgrace. The situation of the Bank was anomalous. Nothing was to be found like it in the history of trade or commerce. What would have been ruin to any other body, was the cause of their wealth. The stopping payments for one and twenty years, the failure of all their engagements to the public and their creditors, had been a source to them of power and prosperity. But they now said, the continuance of the restriction was not for their convenience, but a measure of state policy. The declaration to this effect had been made by the member for Taunton (Mr. Baring), who was now in France, pursuing those negotiations which were made the ground for the continuation of the restriction—a measure, which, while it enriched the Bank of England, impoverished the public, and sapped the means and solid resources of the country. Before this measure was again adopted, a committee should, at least, be appointed, as in 1797, to satisfy the public, not only as to the means of the Bank of England, which could not be doubted, but as to the principles on which it conducted its operations, and whether they could justify so immense a confidence as was to be reposed in them. The legislative acts by which the Bank had been protected during one and twenty years from payments in cash, were eight. Three had been brought forward in 1797; three during the administration of lord Sidmouth, about the time of the Peace of Amiens; and two by the present chancellor of the exchequer. The pretexts for them were, war, subsidies to foreign powers, foreign expenditure, the high price of bullion, the war of the French against our finances, or their great desire to get hold of our gold; but of all the pretences on which the restriction had been justified, there was none so futile, so flimsy, or so insulting to the understanding of the House and the public, as that which was now brought forward. Were they to be told, because France, or Austria, or Prussia wished to negociate loans—that, because two or three merchants in the city, Messrs. Rothschild for instance, wished to have negotiations with foreign powers, the House of Commons was to inflict an evil on the people of England? Besides, this restriction would give the facility to transactions which the chancellor of the exchequer deprecated. The fact was, that if the Bank resumed its payments in cash, not one shilling of British capital would go from the country. He agreed that trade should not be interfered with, and that the trade in money should be as free as any other trade in any other article. But was the article of money free while the Bank restriction lasted? If he had to make his choice between cash payments and foreign loans, he should prefer cash payments, and he should be willing to see all foreign loans prohibited, so long as the Bank did not resume its payments—and no longer. There was an argument as to the exchanges connected with this subject, much of a similar nature. It was said, that the state of the exchange was against us, and thus prevented the return to cash payments. The effect here had been mistaken for the cause. So long as there was a paper currency not convertible into cash, the exchange would be against us. The authors of the evil thus attempted, in that very evil, to find a reason for the acts which had produced it. He thought that a paper currency was a great benefit, but to secure this benefit, it should be founded on, and referable to, some standard definite, and to a great degree unchangeable. For this purpose, gold and silver formed the best, and perhaps the only standard which had been discovered by mankind, and the sooner they reverted to it the better; the longer they continued in the present course, the more difficult would be a return, and the greater would be the convulsion it would occasion. If this was an error, he shared it with all great political writers, from Locke to Adam Smith, the late lord Liverpool, and even the present ministers; for they always had acknowledged the principle, though they deviated from it in practice. He concluded by moving for various accounts of the Bank notes and post bills in circulation during the last year; of the balances of public money in the hands of the Bank; the price of bullion, and the rate of exchange; and of the allowances made to the Bank for business done for the public.

The *Chancellor of the Exchequer* said, he had no objection to the production of the papers. As to the remarks of the hon. gentleman, another opportunity would occur for discussing them, and he should not then trouble the House.

The motions were agreed to.

SECRET PAPERS PRESENTED.] Lord Castlereagh presented, by command of the Prince Regent, a green bag, containing information respecting the internal state of the country; to be kept in the custody of the clerk of the House. The noble lord said, he should on Thursday move that they be referred to a committee.

INCOME TAX PAPERS.] Mr. *Brougham* wished to know, from the chancellor of the exchequer, whether the returns made under the income tax had been destroyed.

The *Chancellor of the Exchequer* said, a circular had been sent to the different collectors to destroy all papers on the subject, except such as were necessary at the receivers-office to collect in and check the unpaid balances.

Mr. *Brougham* wished to know, whether answers had been given to this circular, and whether the command applied to copies as well as originals.

The *Chancellor of the Exchequer* said, that answers he knew had been returned in some instances, probably in all. The circular applied to all papers—copies as well as originals.

MR. HONE'S CASE—INFORMATIONS EX-OFFICIO.] Mr. *William Smith* said, that at present he did not conceive it necessary for him to go into a minute detail of the circumstances connected with the motion which he had announced. He should content himself with moving, that an account be laid before the House, of the sum received from Mr. Hone at the crown office for copies of the various informations filed against him, in order to form the grounds of proceedings which he intended hereafter to bring forward. He took that method of procuring the necessary information, as he thought it best adapted for bringing that information before them with the greatest degree of authenticity. At the same time he thought it proper to mention, that the case of Mr. Hone was rather the incidental occasion than the reason of the motion now proposed for their consideration. He had for more than twenty years been of the same opinion respecting the expediency of reform in this department; and he now took shame to himself that he had been so remiss in bringing it under discussion. Had the subject been repeatedly agitated, it was impossible but some amelioration should have taken place. As to Mr. Hone, he had never known any thing of him till the time of his trial, but he was ready to confess, that in considering the recent prosecutions instituted against him, he could not help admiring the intrepidity, sagacity, and skill, with which he had conducted his own defence. He had since had an opportunity of conversing with him in private, and he must declare that he discovered nothing that could tend to give him an unfavourable impression of his character, nothing unbecoming the manners of a gentleman. As for the parodies published by Mr. Hone, his opinion perfectly coincided with that of the public in general, that they were highly censurable; and it was not the least honourable part of Mr. Hone's conduct, that immediately on finding that such was the public impression respecting them, he used every means to prevent the circulation. But those parodies, however censurable, were not a fit subject to be animadverted on in a court of justice. It appeared to him that the free operation of public opinion was the only adequate and proper check to their popularity. He said he had little more to trouble them with on the subject, and disclaimed any intention of complaining of any party. He had the authority of Mr. Hone to state, that the conduct of the attorney-general towards him was that of a man of urbanity, politeness, and justice. If any blame could attach to the conduct of that gentleman, Mr. Hone conceived it was in not including the three informations in one: in every other respect he had shown himself a gentleman and a man of humanity. It was of the law itself, as it at present stood, that he had to complain. From the officers of the crown he had received every attention. Neither did he mean to reflect on the conduct of the learned lord on the bench, in refusing to furnish copies, as he found that, according to law, he could not have acted otherwise. It was in the law itself, therefore, that reformation was required, and the motion he was about to make had occurred to him as the proper parliamentary mode of bringing the subject under their notice. He should therefore move "That there be laid before this House, an account of the sum received at the Crown-office from Mr. Hone, for the copies of the informations filed against him by the attorney-general, with the authority on which the same was demanded, and the use to which the same was applied."

The *Attorney General* said, he saw no reason for acceding to this motion, as it did not appear that any thing was done towards Mr. Hone, different from that towards other persons similarly circumstanced. This, indeed, the hon. mover had admitted, that nothing more was exacted by the crown office from Mr. Hone, than would have been demanded from any body else in the same situation, and that he (the attorney-general) wished to be distinctly understood; for as Mr. Hone had not suffered a different mode of treatment as to the fees of office, from that experienced by others in his condition, he saw no reason why his case should be made the particular ground of any general measure of regulation. Such a measure appeared to be the ulterior object of the hon. mover. But if such were the case, why not, instead of selecting any specific case, move rather for a general return of the fees received at the Crown-office for copies of informations filed by the attorney-general, with a statement of the authority upon which such fees were demanded, and the purpose to which they were applied? Such a motion would bring the whole question fairly forward, and it would then be for the wisdom of the House to consider whether a practice sanctioned by immemorial usage required any alteration or amendment. It ought to be known that the master of the Crown-office, or the chief judge of the court of King's-bench, had no right to order that Mr. Hone, or any person in his situation, should have a copy of any information filed against him free of expense, because such expense was but the remuneration to which the clerks in the Crown-office were entitled for their trouble in drawing up such copy. If it appeared that the remuneration obtained from Mr. Hone had exceeded that required from any other individual, there would be some ground for this motion; but as such excess was not alleged, the motion struck him to be totally unnecessary for any parliamentary purpose. If it was the object of the hon. mover to ascertain the amount of fees received at the Crown-office, he could find a record upon the Journals explanatory of all fees exacted for copies of informations filed by the attorney general, as well as of indictments found by grand juries; for the expense for copies and subpœnas was the same upon both. The exaction of those fees had been a practice of very ancient date: he could not say how long the practice had existed before, but there was a distinct record upon the Journals stating the amount of those fees, in a return to the House in the year 1693, and the fees were still the same, with the addition only created by different stamp acts. Under these circumstances he repeated that the present motion was quite unnecessary, because the information which it professed to have in view might be had from the return which he had already mentioned. On these grounds he felt it his duty to oppose the motion. All the information for which it sought being already notorious, and apprehending that from the adoption of such a motion, it might be concluded out of doors, as he himself was indeed led to fancy from the hon. member's notice, that there was in the case of Mr. Hone something different from that to which all other persons were subjected against whom an information was filed, or an indictment found. As all the information which the hon. mover could desire with a view to any legislative measure upon the subject of those fees generally was to be found in the Journals of the House, he could not see the necessity of pressing the motion, and would therefore move the previous question.

Sir *Francis Burdett* thought, that no objection whatever had been raised against the adoption of the motion by the learned gentleman who had just sat down. For the upshot of all the learned gentleman had said, was merely this, that all the information which the motion had in view, was quite notorious. But if notoriety were admitted as a valid reason against the adoption of motions, how few would be carried in that House. For that was generally notorious which it was the object of a motion to bring before the House in a regular and authentic shape. The production of information in this shape was, indeed, deemed generally necessary, to form what was called a parliamentary ground for subsequent proceedings. But the great grievance in the case now before them, was the absolute refusal of justice to the poor, by means of the enormous expense imposed on its administration. He should like to know of what avail the best political and legal institutions could be, if they were thus rendered inaccessible. The great grievance therefore was, that the insatiable thirst of taxation had made the administration of justice a cruel insult and mockery to the people. The hon. mover proposed to bring forward some legislative remedy for this grievance. The reason on which he wished to found this measure was no reason, according to the attorney-general, because it was perfectly notorious to the whole world! The grievance was indeed notorious; the greater the notoriety of this oppressive system, the more peremptorily was its reformation called for, at the hands of the representatives of the people.

Mr. *W. Smith* observed, that if the motion which he had proposed were even negatived, that would not serve to defeat the ulterior object which he had in view. His hon. and learned friend (for so he must always call him) had stated, that the motion was irregular, because it referred to a particular case, and that he should rather have brought forward an abstract motion with respect to the fees of the Crown office generally. But to this remark he should make a clear, short, and specific answer. He had particularly referred to the case of Mr. Hone, because that case afforded peculiar reason for the course which he meant to pursue—because that case presented the strongest illustration of the intolerable injustice of the practice which prevailed at the crown-office; for Mr. Hone had told him that he could not obtain copies of the three informations filed against him, without paying fees amounting to nine pounds, which, from the state of his circumstances, he could with difficulty afford to pay. In order to raise this sum, he was obliged to sell some articles of his property considerably under their real value. Many persons who heard him, would no doubt deem nine pounds a very small sum, especially contrasted with a man's safety, a desire of preparing his defence against a charge likely to subject him to long imprisonment; but this sum was considerable to a man in Mr. Hone's situation, with a large family, with a wife and several children to provide for, and with many debts to discharge. It was, therefore, a great aggravation of the treatment which Mr. Hone suffered, that he should have been compelled to submit to such an exaction. Mr. Hone was obliged to sell various articles of his little property, under their prime cost, in order to meet this demand, because the independence of his mind would not allow him to apply for the assistance of friends, while, from the nature of his situation, it was necessary for him promptly to examine the grounds of the accusation against him, in order to prepare for his defence. If the general motion alluded to by the attorney-general were adopted, the return to such a motion would not state the sums paid by Mr. Hone, and he wished to have something distinct and specific before the House. But if the hon. and learned gentleman would move for a return of the fees usually received at the Crown office, stating how much was paid by Mr. Hone, he would not object to such a substitute for his motion. But unless such a substitute were proposed, he could not see the propriety of abandoning the motion, by which he merely wished to have information laid before the House in an authentic parliamentary form, upon which he proposed to rest ulterior proceedings. But whether this information, which the attorney-general alleged to be notorious, were laid before the House or not, he should feel it his duty to persist in his ultimate object for the removal of what appeared to him a most iniquitous system of exaction. Such being his resolution, he was indifferent to the fate of the motion, unless with a view to comply with the forms, and to satisfy the judgment of the House.

Lord *Castlereagh* felt himself bound to give his negative to the motion, because its professed object was different from the real one. The professed object was to lay a foundation for some legislative remedy as to fees paid in the Crown office. This object would be effected by a general motion on the subject. The information thus obtained would, by the rule-of-three, at once show the charges in any particular case! But the real object was to give the public an exaggerated view of the question, by connecting it with Mr. Hone. The trial of Mr. Hone having now taken place, and the attorney-general having confessedly displayed all the qualities which belonged to him in the discharge of his duty, he would say nothing now on the subject; but he must give his negative to the motion for the reason which he had assigned.

Mr. *Brougham* defended the mode adopted by the hon. mover. His object was merely to obtain a foundation for a legislative proceeding. He said, in effect, "give me certain documents, and I will show you the foundation of such a measure." "No," said the noble lord, "but we will tell you how much is charged per sheet." After such information should be laid before them, they would remain quite ignorant of the sum paid by each individual. The knowledge of this could not be obtained but by such a motion as was stated by his hon. friend. Let the amount paid in the case of Mr. Hone be given, and, if they chose, in the case of five or six others, in order to avoid attaching the question to any particular case, and they would then have a proper foundation for further proceedings.

Mr. *Bathurst* said, that according to his understanding any person against whom a criminal information was filed might, if he did not think proper to purchase a copy, consult such information at his leisure. Where, then, was the grievance? for if the accused could not, or would not pay the clerks at the Crown office for the trouble of copying the information against him, he was at liberty to read that information at the Crown office whenever he thought proper. He did not wish to express any opinion upon the trials alluded to. He could not, however, forbear from noticing the observation now so very general, that although the publications which gave rise to those trials were objectionable, they ought not to have been made the subject of prosecution, but that the cessation of such publications ought to have been left to the moderation and subsequent reflection of the individuals with whom they originated. Upon this observation he would state no opinion, but leave it to the judgment of the House and the country. But as to the professed object of the hon. mover, why, he would ask, should the hon. member direct his views solely to the expense upon criminal proceedings? Was not the hon. member aware of the expense of bills in chancery and upon civil actions? Then why confine himself to a special case, but too likely to create a particular impression? The hon. mover had stated, that Mr. Hone's circumstances were so limited that he could not conveniently raise the sum of nine pounds, because his independent mind would not allow him to avail himself of the assistance of friends. But he apprehended the hon. mover had not asked Mr. Hone, what was his profit from the publications for which he was brought to trial, and which were known to have been very extensively circulated. As to the information which the hon. mover professed to seek, on the subject of fees, he might obtain it with ease from the recent reports of the commissioners for inquiring into the fees of courts of justice. If, however, it was desired for any general purpose of legislation to obtain precise information for any given period, including ten or twelve cases, the motion might be so worded, but he saw no reason for acceding to a motion which implied a particular predilection for the case of Mr. Hone.

Lord *Folkestone* declared, that he could not hear, without surprise, the objections which had been made to this motion on the other side of the House. For what was more reasonable in any hon. member proposing to amend an existing law, than to point out a particular grievance arising out of that law, and to move that the proof of that grievance should be laid before the House in a regular and authentic form? Yet such was the course of proceeding objected to by those very gentlemen, who, when any remedial measure was proposed, uniformly flung in the teeth of the proposer a challenge to show a particular grievance. On this occasion, however, these gentlemen felt it expedient to alter their course. He agreed with the right hon. gentleman who had just sat down, that it would be better to move for the production of several cases, than to confine the motion to one particular case, because, by adopting the right hon. gentleman's motion, the House would obtain more information. But as to the statement of the right hon. gentleman, that any person against whom a criminal information was filed, might, if he could not or would not purchase a copy of such information, go to the Crown-office and read it there at his leisure; it was to be recollected, that Mr. Hone was, at the time referred to, a prisoner in the King's-bench; for by a modern statute, of which sir Vicary Gibbs was the parent, any one against whom a criminal information was filed, might be committed to prison, if he did not find bail, or did not think proper to give bail, or had it not in his power to procure bail to satisfy the crown solicitor. Yet the House was told, that any one against whom a criminal information was filed, was at liberty to read that information at the Crown-office. But how was a man in gaol to avail himself of that privilege? and such was the condition of Mr. Hone. So much, then, for the statement of the right hon. gentleman, which he appeared to think quite a triumphant answer to the complaint of Mr. Hone. How, he would ask, was a man of humble means in such a situation to procure a copy of the information against him, the close examination of which must be so necessary to the preparation of his defence. The case referred to by the hon. mover was obviously one which called for legislative regulation.

The motions were, with the leave of the House, withdrawn, and Mr. Smith gave notice, that he would to-morrow submit to the House another motion, on the general question of filing criminal informations.

SCOTCH LUNATIC ASYLUM BILL.] Lord *Binning* moved for leave to bring in a bill for erecting District Asylums in Scotland, for the care and confinement of Lunatics. The noble lord expressed his wish to have the bill printed, and that any farther proceeding upon it should stand over until after Easter, in order that the people of Scotland might have a full opportunity of considering its merits.

Lord *A. Hamilton* said, that two-thirds of the people of Scotland had disapproved of the noble lord's former bill on this subject. He was connected with a part of the country where a lunatic asylum was lately erected, which he considered a model for such buildings. He hoped this bill would be subjected to the same examination in Scotland as the former bill.

General *Fergusson* expressed his disinclination to oppose the introduction of the bill, but reserved the declaration of his opinion upon its merits for a future stage.

Lord *Binning* admitted that objections to the former bill were very generally entertained in Scotland. His object in delaying any proceedings as to the bill till after Easter, was in order to give the people of Scotland time to examine it, and to consider the very material changes he had made in the measure. The great objection formerly was, to the appointment of general commissioners, to carry the measure into effect. Now county commissioners were substituted, excepting two commissioners to be appointed by the secretary of state, for the purpose of seeing that the objects of the act should be generally effected.

Mr. *Wynn* approved of the object of the bill, and took that occasion of expressing his regret and surprise, that notwithstanding the horrible scenes described to that House in a report from a special committee three years ago, no legislative measure had as yet been passed, to provide against the continuance or repetition of such cruelties. Unfortunately the right hon. gentleman who was so active in his inquiries upon this subject (Mr. Rose), was now no more; but the subject ought to be taken up by some other member, and if no one else more competent should undertake the task, he himself should feel it his duty to propose a bill upon this important subject. [Hear, hear!]

Lord *Binning* stated, the new bill

would substitute county assessments in aid of these asylums, in preference to parochial assessments, which resembled too nearly our poor-rates, in the conception of persons in that part of the kingdom.

Leave was given to bring in the bill.

Petition respecting the State of the Civil Police of Ireland.] Sir *H. Parnell* rose to present a petition to the House from the high sheriff and grand jury of the Queen's county, which, he could venture to say, spoke the sentiments of all the magistracy of Ireland upon the subject to which it relates. The petitioners complained of the inadequacy of the civil power, as provided by the statutes, to enable the magistrates to administer, with any effect, the criminal law; and stated, that crimes were constantly committed with impunity, and that it was necessary to have constant recourse to military assistance in very trivial cases. He could, from his own knowledge, state several instances in which the interference of the military had been attended with fatal effects. In one case, where the offence was only an assault, the person against whom the warrant was granted, was shot, while attempting to escape after having been taken; in another, several lives were lost by soldiers being called in to prevent an expected battle between two parties of the lower orders. While the last assizes were going on in Maryborough, a corporal and six men were sent to arrest a man who had been concerned in stopping carriages loaded with provisions. He had heard two judges from the bench justify the magistrates for calling out the military when the general peace of the country was in no ways disturbed, on the ground of the defective state of the civil power. Though the office of constable existed in Ireland, it was not in any respect similar to the office as it existed in this country. Here the magistrates could enforce the laws by the aid of the constables; in Ireland they were so inefficient, that the magistrates were constantly obliged to assist in person in the execution of their own warrants. If a magistrate gave a constable a warrant, in nine cases out of ten it was not executed, and the guilty escaped punishment. So little confidence was placed in the power of the magistrate to secure redress, that it was a common practice to suffer offences against the law to pass over without any attempt to punish those who were guilty of them. What the petitioners prayed for was, a revision of the laws relating to the civil police of the country, with a view of obtaining such an arrangement of it as would afford the magistrates, who were willing to exert themselves in the preservation of the public peace, and the prevention of crime, a proper opportunity of exercising their authority. It was not necessary, in order to do so, to establish any severe or unconsitutional system of police, but merely to regulate the office of constable in such a manner, that it should become an efficient instrument in the hands of the magistrates for the administration of the laws.

Mr. *Peel* observed, that there was no period in which less recourse was had to the military power than during the last two or three years. The civil power in Ireland was regulated partly by the executive government and partly by the grand juries; the former superintended it in cases of disturbance where strong measures were required, the latter where the ordinary office of constable was deemed sufficient. The grand juries were empowered to remove constables for negligence or misconduct, and to appropriate salaries to the amount of 20*l.* a year to each individual. The only limit to their authority with respect to these situations was, that they could not increase the number, which was limited in each barony; but he thought that even with this limitation, they possessed ample means to provide effectually for the preservation of the peace.

Sir *H. Parnell* said, that so far from the grand juries, having the power of reforming the office of constable, the whole complaint of the petitioners consisted in their not possessing any means of rendering the office efficient. This was not a matter concerning which any doubt could exist. Every magistrate and grand juror would be ready to agree with the opinions of the petitioners. Neither they, nor had he, found fault with the government in being too ready to make use of the military. The present government, he was aware, had taken considerable pains to place the matter under proper regulations. He had hoped that the right hon. gentleman would himself have been ready to bring forward some measure to meet the wishes of the petitioners; but as he had not done so, he would now give notice, that soon after the Easter recess, he would move for a committee to inquire into the state of the civil police of Ireland.

Mr. *Vesey Fitzgerald* bore testimony to the infrequency of military interference in ordinary police cases in Ireland. Much praise was due to the government of that country for harmonising the dispositions of all classes, and abating every thing of an unconstitutional interference of the military. Considerable satisfaction had been given to the people at large, on finding the lord lieutenant had been empowered to take out of the consolidated fund, such sums as should be necessary to maintain the public tranquillity, and preserve individuals from experiencing those acts of violence and aggression which had too long been a stain to the pages of Irish history.

The petition was ordered to lie on the table.

IRISH GRAND JURIES ACT SUSPENSION BILL.] On the order of the day for the third reading of this bill,

Sir *F. Flood* said:—The bill which the right hon. gentleman now finds it necessary to suspend is a very extraordinary one; and I attribute this extraordinary character in part to the late period of the session, and the hurry in which it was carried through the House. The right hon. gentleman promises a new bill to supply the loss of the present. I wish the right hon. gentleman had left us in quiet possession of the former act—that act was framed by sage and experienced heads—by the Irish parliament. I hope the outlines of the intended bill will be laid before parliament previous to the Easter recess, in order that the grand Juries of Ireland may understand them, and construct the next presentments accordingly I am glad that the late bill is to be given up: its tendency was to introduce into every county a set of men total strangers to it, at salaries from 500*l.* to 600*l.* a year. What ever had been said of jobbing before, jobbing would surely be the system under it. Grand juries were far better judges of what concerned the interests of their own counties than itinerant surveyors could be. That man is undeserving of the character of an Irishman who could assert, that hitherto presentments had been founded on perjury and fraud, and that grand juries paid more regard to the advantages that might be derived from the money raised than the wants of those who paid it. I am sorry to hear such imputations thrown out against my countrymen; and will maintain, that they are as averse from fraud and perjury as any men. The money raised on account of presentments affords employment to numbers of poor people, and is not drained away into distant or foreign channels.

Mr. *V. Fitzgerald* said, that he did not think it necessary to discuss the merits of a bill not yet brought under the notice of the House. The hon. baronet had expressed his sorrow for imputations thrown out against Irish grand juries; but he must tell the hon. baronet that he never had heard any such imputations till he heard them from himself. It had been merely declared in general, that perjury and fraud did exist.

Sir *H. Parnell* said, there appeared to be a misunderstanding on the part of the hon. baronet. Perjury and fraud had by none been imputed to grand juries; such things had been only said to prevail, without specifying, in what quarter. It was undeniable, that grand juries were composed of men as pure, as upright, as any in society; but it was also a fact, that under them frauds had been practised, and to prevent the continuance of those frauds, it was necessary to give a more extensive control over those intrusted with the expenditure.

The bill was read the third time.

HOUSE OF COMMONS.

Wednesday, February 4.

INFORMATIONS EX-OFFICIO.] Mr. *W. Smith* said, he had now so modified the motion which he had brought forward yesterday, respecting the expense of obtaining copies of informations from the Crown-office, that it was not open to any of those objections which had been urged against it. He then moved, "That there be laid before this House, an Account of the Fees which have been taken by the Clerks in the Crown-office for Office copies of Informations *ex-officio* for Libel, given to persons accused, or to others on their behalf, applying for the same, during the years 1816 and 1817; specifying the rate according to which the charge is made, the total sum in each particular case, and to whose or what use the same is applied."—The motion was agreed to.

VOTES OF THE HOUSE.] On the motion for going into a Committee of Supply,

Lord *Folkestone* said, that according to the ancient usage of the House, he took that opportunity of pointing out a recent alteration, by which the public were aggrieved; he meant the alteration which had lately taken place in the mode of printing the Votes of that House. He had neglected to refer to it at the time of the renewal of the sessional orders, and he took the present as the most proper remaining opportunity for doing so. The House would recollect, that in the last session a change was made in the manner of publishing the votes, with a view to the convenience of members; and, on the whole, that change was beneficial. But there was one part of that arrangement which was injurious to the public; and that was the circumstance, that no petitions were printed in the votes, except such as were expressly ordered to be printed by a specific vote, which were published in an appendix. He was aware that a great number of petitions had been presented in the last session, and that the accumulation of these documents had been the chief cause of the extent to which the votes had been swelled, and the consequent delay which occurred in the publication of them. But he thought it a matter of respect which the House owed to its constituents and to the people, to publish those complaints which were transmitted to it, and delay might be equally avoided by the publication of these petitions, as a matter of course, in the appendix, as the select ones now were. It was true, that in every instance in which any member had moved that a petition be printed, no objection had been made; but the very fact, that a question was necessary previous to the printing, made an opening for objections; and it was a fair matter of complaint, on the part of the people, that their requests, when received by the House were not printed as a matter of course. The Votes of the House were the only regular way in which its proceedings were made public; and the old votes seemed to be adapted to that purpose. He had not made up his mind to submit any motion to the House: but he had thought fit to put them on their guard against the consequence of a measure which might lead to an imputation, that they did not attend to the prayers of the people.

Committee of Supply—Navy Estimates—Exchequer Bills.] The House having resolved itself into a Committee of Supply,

Sir *George Warrender* rose to move the Navy Estimates. He said there was this year a small increase in the supply for this branch of the public service. The committee of finance had foreseen the possibility of such an increase. The addition this year was 1,000 sailors and 1,000 marines. The whole amount of men now was 20,000 sailors and marines. The cause of this small increase was the necessity of keeping up an establishment at St. Helena, and the state of South America. The rate of pay was somewhat higher in peace than war, because the proportion of able seamen to landmen was greater in time of peace, in order that the fleet might be more speedily put on a good footing, in case of emergency. The charge of ordnance was somewhat increased. A ship which in time of war had a complement of 480 men, in peace had but 300, although the number of guns remained the same. The charge for ordnance was therefore increased in the proportion of from four to seven shillings per man per month. He then moved, 1. "That 20,000 men be employed for the sea service for 13 months, from the 1st of January, 1818, including 6,000 royal marines. 2. That 611,000*l.* be granted for wages of the said 20,000 men, at the rate of 2*l.* 7*s.* per man per month. 3. That 520,000*l.* be granted for victuals for the said 20,000 men, at the rate of 2*l.* per man per month. 4. That 559,000*l.* be granted for the wear and tear of the ships in which the said 20,000 men are to serve, at the rate of 2*l.* 3*s.* per man per month. 5. That 91,000*l.* be granted for ordnance for sea service on board the ships in which the said 20,000 men are to serve, at the rate of 7*s.* per man per month."—The said motions were agreed to.

The *Chancellor of the Exchequer* said, he had now to propose a vote of Exchequer bills to provide for other Exchequer bills which were now outstanding. He should take this opportunity to give a brief view of the state of the unfunded debt. At an early period in the last session, 24 millions were issued, which were now outstanding. This sum he now proposed to provide for. After that another sum of 18 millions was issued, which was outstanding, which he did not now intend to replace. There was in the last session another sum of nine millions issued, and six millions had been issued in 1816. For both these sums he intended to propose to provide, and these votes, and the usual annual taxes (or "land and malt") were the only ones which he intended to propose at this early period of the session. The amount of Exchequer bills now outstanding was smaller than had been anticipated, not only by some gentlemen on the other side of the House, but even than that which was anticipated in a resolution proposed by an hon. friend of his (Mr. Charles Grant, jun.), who had assumed that on the 5th of January, 1818, the amount outstanding might be 60 millions.* It was in fact scarcely 57 millions and a half. At the same time, in 1817, the amount was 44,400,000*l.*; so that there was an increase of a little more than 12 millions. This was all that was added to the debt, though there were variations in other branches of the unfunded debt, the accounts of which had not yet been made up. The reduction of the unfunded debt amounted to 19 millions of stock, which was equal, at the present prices, to 15 millions in money; so that instead of any addition being made to the debt in this year, on the total amount of funded and unfunded, there was a diminution of about three millions. He then moved, 1. "That 24,000,000*l.*, be granted to his majesty, to pay off and discharge Exchequer bills made out by virtue of an Act of the 57th of his majesty, for raising 24,000,000*l.*, by Exchequer bills for the year 1817, outstanding and unprovided for. 2. That 9,000,000*l.*, be granted to pay off Exchequer bills made out by virtue of an act of the 57th of his majesty, for raising 9,000,000*l.* by Exchequer bills, for the year 1817, outstanding and unprovided for. 3. That 6,000,000*l.*, be granted to pay off Exchequer bills made out by virtue of an act of the 56th of his majesty, for empowering the governor and company of the bank of England to advance 6,000,000*l.* towards the supply for the service of the year 1816, outstanding and unprovided for."

Mr. *Curwen* said, he should heartily rejoice if, when the accounts were laid before the House, the statement of the chancellor of the exchequer should not be found to be fallacious. From the best consideration he had been able to give the estimates, there had been a deficiency in Ireland of five millions (the receipts being six millions—the expenditure eleven millions), and in England of nine millions, making in all fourteen millions.

The *Chancellor of the Exchequer* said, that comparing the actual state of the debt at the beginning of each year, the hon. gentleman, than whom no one was more competent to inquire into this subject, would see, when the accounts were presented, that there was a decrease in the debt of near three millions.

Mr. *Tierney* wished to know how the hon. gentleman, the colleague in office of the chancellor of the exchequer, was mistaken in the quantity of Exchequer bills which would be outstanding at the time of the new year. As to the assertion that 15 millions of the national debt had been reduced, it was impossible, as so much money had not been in the hands of the commissioners. He did not blame the chancellor of the exchequer for taking the first opportunity of sounding a kind of bugle, as to the prosperous state of the country, and before the accounts were presented there would be little possibility of contradicting him.

Mr. *C. Grant* jun. said, that he had stated in his Resolutions, that the utmost amount of Exchequer bills would be 60 millions: he had taken it as unfavourably as possible to the cause which he had argued, but he had guarded against the possibility of an inference that the sum must necessarily be so high.

The *Chancellor of the Exchequer* said, that he had given a short and necessarily superficial view of the state of the debt; but if he had not done so, no one would have been more ready to blame him than the right hon. gentleman. He admitted that a part of the services of last year were as yet unperformed, and that consequently so large an amount of Exchequer bills was not issued as the Treasury was enabled to issue. But he deemed it perfectly fair to take a comparison of the amount of the debt on the same day in each year.

Mr. *Tierney* requested to know what was the amount of out-standing Exchequer bills on account of the deficiencies of the revenue.

The *Chancellor of the Exchequer* said, he did not know the exact amount; but it did not exceed a million.

The Resolutions were agreed to.

POOR LAWS.] Mr. *Sturges Bourne*

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* See Vol. 36, p. 1282.

rose to move for the renewal of the Select Committee on the Poor Laws. The committee, notwithstanding great assiduity, had been unable to get through its business in the course of the last session. He proposed to move the insertion of as many of the former names in the committee as circumstances would permit. Unfortunately, since that time the House had lost two of the members of that committee. Mr. Hall, the late member for Glamorgan had brought to the consideration of the subject an enlightened mind, and great experience of the state of the distressed part of the country. He was cut off in the prime of life. Mr. Rose, too, had been taken from them. He had given a great degree of attention to the subject, and his loss would be severely felt by the House and the country. His mind was anxious to the last hour of life on those subjects to which he had applied himself —the commerce and finances of the country. Whatever difference of opinion there was as to the great measures which he had supported, no one could doubt the depth and capacity of his mind, and the activity and indefatigableness of his exertions. In the country where he lived his loss would be more severely felt. He was ready to promote every measure which was beneficial to his country and his bounty and liberality endeared him to all around him. The Saving Banks act, his last measure, would remain a lasting testimony—*monumentum ære perennius*—to his sagacity and benevolence. The hon. gentleman then moved, " That a Select Committee be appointed to consider of the Poor Laws, and to report their observations thereupon to the House."

Mr. *Curwen* said, he had no opposition to make to the motion. He agreed in opinion with the members of the committee, who thought that no partial measures would be of use. The House ought not to shrink from the odium which the enactment of the necessary measures would entail on them, as any measures must be attended with suffering to individuals. All the expedients which had been adopted to mitigate the evils of the operation of the poor laws, had been ineffectual. Badging had first been resorted to in king William's time, and had a temporary effect. Poor-houses were then built, and the objection of the people to be confined in them also had its effect. But in the course of years the evil had gone on increasing, notwithstanding these expedients. The inadequacy of wages, and the practice of supplying the deficiency of them from the parish funds, destroyed the spirit of independence among the poor. Labourers in many instances had not more than 9*d* or 10*d*. a day. In Scotland it had been found, that in manufacturing towns compulsory relief was necessary; and he feared that some such system must always prevail in places were the manufactures had destroyed the morals of the people.

Sir *F. Burdett* said, he expected no benefit from the appointment of the committee. They would, he had no doubt, expend much labour, but it would be labour in vain. He could not exactly accord with what had been just said. There had been no great alteration in the character of the working people of England. There was not less industry, less energy, less desire of independence, than there formerly had been. The evil was, that people so disposed had no means of supporting themselves. There were not the funds to employ them with profit to the employers. That the wages of labour were low, was no subject of complaint against any class. No one gave less for labour than it was the interest of the labourer to receive. The employer knew whether the exertions of the labourer would repay him. The whole case had therefore been stated on unfair grounds. The people of England were the most energetic, the most unremittingly industrious people on the face of the earth, and the cause of the condition to which, notwithstanding these qualities, they were reduced, was obvious to his mind; and it was also obvious to him why many others did not wish to perceive it. It was the pressure of the enormous taxation on the country. If the poor laws had been the cause of the present condition of the people, how did it happen that at no former time had they produced the same effects, though they had existed for centuries? They had seen no such effects but within the few last years. He remembered, when he was a boy, before the late war, when he was playing with the labourers at his father's house, that the spirit of independence was universal; that it was a common boast with the English labourer, that neither he nor any of his family had ever asked relief from the parish. The general state of the people was now changed. The committee which was appointed, with a view to a remedy, would be little disposed to look to the real remedy, economy; a word which at the beginning of this session, for the first time, had been never mentioned by the king's ministers—economy in the public expenditure. It was the weight on the industry of the country, to pay debts contracted in the prosecution of the war, which could not be borne, and the remedy was, to reduce all salaries and pensions which augmented this burthen unnecessarily—to reduce the wages of overpaid labour, or rather no labour, while the labour of the people was so wretchedly underpaid. Such a measure would have more effect in relieving the labouring classes than all the expedients which the committee could suggest. It was an immense taxation which dried up the resources of the country, and he was persuaded that it was of little consequence out of the pockets of what class the taxes were raised,—whether of the consumers, or of the richer classes, in the shape of income tax. If it was taken out of the rich man's pocket, he was only the less able to employ the labourer. He should only prefer that tax which was least oppressive in the collection, that is to say, which returned the largest proportion to the public treasury of that which was taken out of the pockets of the contributors. It was indifferent to him whether it was on salt, or leather, or other articles, or on income. That tax was best which produced most with least expense, with one exception—the tax on stamps on law proceedings, which was detestable on this ground, that a man was made to pay by it for that which he paid all other taxes in order to be entitled to. It was for personal protection—in short, for safety and liberty, that every man paid taxes according to his means; and it was a wicked and a cruel proceeding in any government to endeavour to shut out many from the benefit of that protection, by creating this artificial and unequal expense. He hoped the delusion, as to the state of the country, would not last for ever. They were now told the country was in a mending condition, and as a proof of it, the wages of labourers were, as the hon. gentleman said, in some instances, nine-pence a day, and the families were supported out of parish funds. At such a time was it that economy had never once been mentioned by ministers. As for the relief afforded by the parish, those who knew what it was, knew also that men would use all possible exertions before they were compelled to depend upon it. With regard to the observation which he had often heard, that the poor-rates held out a great encouragement to idleness by the comforts which they afforded, and that many people were anxious to participate of those comforts, he firmly believed the observation was unfounded, and that the mass of the people contemplated it as one of the greatest calamities to be reduced to the necessity of having recourse to the poor-rates. The hon. baronet concluded with stating that he would not oppose the motion.

Lord *Castlereagh* expressed his belief that whatever difference of opinion might exist as to the necessity which had called for such a quantity of public expense for some years back, or as to the degree of practical economy which ought to be adopted, there could not be much difference as to the propriety of considering the best means of administering the poor-laws. He apprehended, therefore, that the hon. gentleman (Mr. Curwen) was mistaken in supposing that the country was indifferent about the inquiry which had already been instituted by the House upon this subject, and which it was proposed by the present motion to continue. On the contrary, he had reason to believe that great good had resulted from the report of the former committee (even if no legislative measure should follow), in consequence of the facts which it disclosed, and the information which it communicated to the country with regard to the administration of the sums collected under the poor laws. In that committee he had himself occasionally attended, and he never witnessed any such diverging of opinion as the hon. gentleman had stated; for instead of the 39 members of that committee differing from each other, and from the chairman, the fact was, that all the members completely concurred upon certain important radical points, and on these points, therefore, he would recommend that some legislative measure should at once be brought forward; for he was an advocate for the practical amendment and gradual amelioration of this system, being convinced that nothing like that subversion could be entertained by parliament which the hon. gentleman appeared to recommend; for the system of the poor laws was interwoven with the institutions of the country, and the repeal of such a system was not to be thought of. Reverting to the proposition before the House, the noble lord said, that he should vote for the committee, without any of those gloomy prospects as to its execution and effects, which the hon. baronet appeared to entertain.

Sir *F. Burdett* said, he had not disapproved of investigation, but had stated what he would restate, that no investigation or discussion would ever afford any relief, without such a reduction of the establishments of the government and such a rigid economy in the expenditure, as would reduce the enormous taxation of the country to a scale compatible with the fair employment of the industrious population, and their full enjoyment of the fruits of their industry.

Mr. *Calcraft* said, he had not very sanguine expectations from the labours of the committee. The report, he would admit, had done some good, but no effectual relief could be expected without the powerful co-operation of government. Two points of great importance and considerable nicety would deserve the attention of the committee. The one was, whether personal and funded property should not be subjected to poor-rates as well as landed property. The other was, whether the petty sessions might not take consideration of many subjects at present devolved upon the quarter sessions.

The motion was agreed to, and a committee consisting of the following members appointed, viz. Mr. Sturges Bourne, Mr. Curwen, lord Castlereagh, Mr. Frankland Lewis, Mr. Bathurst, sir T. Baring, Mr. Brand, Mr. Huskisson, Mr. Wood, Mr. Morton Pitt, Mr. Legh Keck, Mr. Lockhart, Mr. Dickinson, lord Lascelles, Mr. Ashurst, sir James Shaw, lord W. Bentinck, Mr. Fitzhugh, lord Stanley, sir John Simeon, Mr. Estcourt, Mr. Thomas Courtenay, Mr. Robert Smith, Mr. Davies Gilbert, Mr. Holford, Mr. Cartwright, sir E. Brydges, sir T. Acland, Mr. Morritt, Mr. C. Dundas, Mr. H. Sumner, lord Cranborne, Mr. Littleton, Mr. Osborne, sir W. Rowley, Mr. C. Grant, jun., and Mr. Shaw Lefevre.

HOUSE OF LORDS.

Thursday, February 5.

Secret Committee on the State of the Country ballotted for.] The House proceeded to ballot for a Committee to examine the Secret Papers. The choice fell upon the following members, viz. The lord chancellor, the earl of Harrowby, the duke of Montrose, the earl of Liverpool, marquis Camden, marquis of Lansdowne, earl Fitwilliam, the earl of Powis, viscount Sidmouth, lord Grenville, and lord Redesdale.

Earl *Grosvenor* took that opportunity of making a few observations on what had passed the other evening when a noble marquis not now in his place, had stated that it was desirable for the committee to have power to send for persons, papers, and records. His noble friend had been answered, that such a power was inconsistent with the practice of the House. He thought, however, that in a case like the present, the power recommended by the noble marquis ought to have been given, though it might accord with the general practice of the House. On the present occasion their lordships would, in his opinion, be perfectly justified in departing from their usual course, and enabling the committee at once to call for persons, papers, and records, without waiting until the chairman of the committee might apply to the House for farther information, or new evidence. But such a power it seemed, would be contrary to precedent, and the noble secretary of state for the home department had referred to the proceeding of 1801, as a case in point. Now, the proceedings of 1801 was on a report communicated to their lordships from the House of Commons. It was not, then, a measure instituted on a communication to their lordships from the throne, nor did it resemble a committee appointed in consequence of a measure originating among themselves. The example which the noble viscount had referred to was evidently of no authority; but if the precedent were complete, still he should consider himself fully justified in calling on their lordships to go out of their way, and agree to the resolution which he was about to propose. Those who were, like himself, convinced that there had been no occasion for depriving the people of this country of the most important of their rights, no ground for the alarm spread by ministers, and that the ordinary course of law would have been perfectly sufficient for the repression of any disorders or offences which might have existed, would perhaps not be surprised that ministers avoided a full investigation. That their pretences for suspending the Habeas Corpus act were groundless, had been his conviction at the time they proposed that measure; and every thing which had since occurred had tended to confirm that opinion. He did not expect, however, that they would go the length of asking their lordships to appoint a committee so constituted, and with powers so limited, that it must obviously appear to be framed for the purpose of white-washing them. When he recollected, too, the lofty language of the secretary of state on this subject in the last session, he little thought that he would be the very individual to come down to their lordships with a proposition of the nature which he had made, and which was nothing more nor less than asking them to pronounce, without sufficient inquiry, the justification of himself and his colleagues. They needed absolution for their sinful deeds, and this committee was to be their extreme unction. If they really thought that they had sufficient grounds of justification for their conduct, why did they not propose a committee which would give full satisfaction to the country. The noble marquis who had objected to the limited powers of the committee, was, he observed, chosen one of its members. Whether, restricted as it was, his noble friend would attend or not, he did not know. The task would be at any time arduous, to probe to the quick the system of delusion which had been employed: as it was, no complete investigation could be expected. Nothing short of a full inquiry respecting the conduct of all the persons who had been employed by government could be satisfactory. For his own part he was convinced that there had not been, throughout the whole country, any thing like treason, or any one act of disturbance which had not been provoked by the agents and the spies employed by ministers themselves. Was the evidence of such persons to be relied on for the vindication of ministers? Petitions might be presented to their lordships House on this subject, and persons might offer to give important evidence. To refer such petitions to the committee would be the course which the House ought to take, and it would be the bounden duty of the committee to attend strictly to them. It would, therefore, be much better that sufficient powers should, in the first instance, be granted to the committee. For these reasons, he trusted that their lordships would agree to the proposition he should now submit to them; namely, That the Secret Committee be empowered to call for persons, papers, and records.

The Earl of *Liverpool* said, he did not think it necessary to take up the time of the House in again discussing a subject which had been fully discussed on a former evening. As to what the noble earl had said respecting spies employed by government, he should merely observe, that it might be a question as to how far the state of the noble earl's mind enabled him to judge upon the subject; and certainly he should not, if his conduct were to be investigated, choose the noble earl for one of his judges. When the proper time should arrive, he should be prepared to justify the course which government had considered it their duty to pursue. With regard to the only question before their lordships, namely, the powers which ought to be given to the committee, he must repeat what had been stated on a former night by his noble friend, that there was no example of powers of the nature of those proposed to be given to the present committee ever having been granted by their lordships. The noble earl had alluded to the proceeding of 1801, and had argued that from the manner in which it had originated, it could not be regarded as a precedent; but that case had not been relied on as affording a precedent in every respect analogous to the present measure. It had only been referred to as one of many instances which served to show, that when a committee was appointed by their lordships, whether on a message from the crown, or not, it was not usual to give to that committee powers of the kind now proposed. The present committee had been appointed according to the invariable practice of the House, and he conceived, therefore, that the noble earl had stated no ground which could induce their lordships to agree to his motion.

The motion was negatived.

HOUSE OF COMMONS.

Thursday, February 5.

State of the Public Finances.] Mr. *Curwen* wished to put a question to the chancellor of the exchequer, relative to the statement which he had made last night. He was induced to do so from an examination of the accounts of the year 1816, which exhibited a deficiency so great, notwithstanding its extraordinary resources, that he was induced to distrust the present assertions of the right hon. gentleman. He should show, on the one hand, the sums which had been raised on various loans in that year, and then the progress which had been made in the reduction of the debt. In that year the Bank advanced at 4 per cent. interest 6,000,000*l.* The Bank advanced without interest 3,000,000*l.* There were surplus grants of 1815, 5,663,755*l.* Loan for England 3,358,654*l.*; to this must be added the increase of unfunded debt in the year 1816, 1,321,729*l.*; making a total increase of debt 19,344,038*l.* It remained to be seen what was the reduction which was to be set against it. By the finance accounts it appeared, that the sinking fund in the same year had amounted to 13,252,600*l.* Deduct this from debt contracted, as specified above, and the difference was 6,091,538*l.* So that there was really contracted a debt of more than six millions in that year, over and above the loans for Ireland. He imagined also that there should be added to this increase of debt the deficiency in the consolidated fund, being about 600,000*l.* If there was any error in this statement, no one would be more ready to correct it than he should be.

The *Chancellor of the Exchequer* said, that he could not at once answer the statement of the hon. gentleman without examination. There was in the last year an arrear of war taxes, which made a difference between that year and 1816. The statement of the hon gentleman did not apply to the year just past.

Mr. *Curwen* said, it was true that his statement did not apply to the year 1817, except by inference; but it related to the last period of which the House had any accurate financial knowledge. Was he to understand the chancellor of the exchequer, that after payment of the expenses of the year, civil and military, and of the interest of the national debt, there yet remained an overplus of three millions?

The *Chancellor of the Exchequer* said, that on the 1st of January, 1818, the whole of the unfunded and funded debt was less by nearly three millions, than it was on the 1st of January 1817, after all the services of the year had been answered.

MOTION RESPECTING THE NORTHERN CIRCUITS.] Mr. *M. A. Taylor* rose to call the attention of the House to a subject which he had much at heart, and which was of great importance to the public, as being connected with the administration of justice. It was his intention to bring the discussion before the House, in order that some remedy might be devised to meet a very great grievance. He knew that a committee on courts of justice had been regularly appointed from session to session; and in ancient times they were active efficient committees, but now they were known to exist but by their votes. Such was not the case when this committee was originally instituted: they were then actively in motion, and had they pursued their labours with the same impulse, much good would ere now have resulted to the country. Well aware as he was, of the serious grievances which existed in this department, he was determined that his exertions should not be wanting in bringing forward this important subject from time to time, till some practical remedy was devised. It was well known, that the northen circuit extended to the counties of Westmorland, Cumberland, Durham, and Northumberland, only once a year. These districts comprehended a very populous and extensive tract, and the serious inconveniencies attending such a practice it was not easy to describe. Many representations had been made upon the state of the evil, and he felt much surprised that the judges never communicated the sentiments of the gentlemen of the assize. He had himself known several instances of persons who had lain many months in gaol, and were at length actually cleared by a jury of their country. Suppose a person should happen to be committed a fortnight after the assize, upon a charge of murder, and that he afterwards be found guilty only of homicide: by the present state of that part of the country, he suffers a confinement of thirteen months before he is brought to trial; while the severest punishment allowed by law for manslaughter is only twelve months. From this it would appear, that the subject loudly demanded the attention of the House. The great population and extensive traffic of these parts gave additional importance to this subject. The county of Durham contained, besides Durham itself, Monkwearmouth, Shields, and other towns which, in population, and industry, might vie with any of the more favoured districts, with perhaps the exception of Manchester alone: yet these extensive districts had, by the present state of things, a gaol-delivery only once in every year. Scotland had its circuit court twice every year regularly; besides this, the lords of justiciary, in cases where persons had been too long in gaol, had the power at any time during the interval between the circuits, to bring the proceedings before them at Edinburgh: but the counties alluded to, though much more populous than the most busy part of Scotland, had their assizes only once a year. The stated and regular dispensation of justice was essential to a free country, more especially so of criminal justice. The object of his motion was to obtain a return of the calendar of prisoners, stating the number of cases for forty years back, in order that the House might be aware of the necessity of some remedy for this growing evil, and that there might be a clear agreement as to the points to be remedied. He said, that within his own recollection there were several instances which placed the necessity of some remedy in a strong light. He knew a case where a person had lain in gaol for nine months, and when at last brought to trial, he was immediately acquitted of the crime for which he had been committed. When the necessary papers were produced, it was his intention to state the mode of remedy which occurred to him; and if the House should entertain the motion, he should afterwards move for a committee to consider the subject and report thereon. He should then let the subject lie over for some time, till the judges should have the opportunity of considering whether any improvements could be suggested. At all events, he was determined he would not lose sight of his object, but to persevere, year after year, till some improvement was accomplished. He should, therefore, move, "That there be laid before this House, Copies of the Calendar of the Prisoners committed for trial at the assizes in the counties of Westmorland, Cumberland, Northumberland, and Durham, and the town and county of Newcastle upon Tyne, commencing in the year 1780, and ending with the year 1817; specifying the dates of the respective commitments, and also the liberate of the said prisoners as settled by the judge of assize and general gaol-delivery." Also, "List of the causes during the said period as set down in the marshal's Paper, and delivered by him to the associate, distinguishing the special from the common jury causes; and also a List of the Remanets at each assize."—Ordered.

Motion for a Secret Committee on the State of the Country.] Lord *Castlereagh* rose to move, that the Secret Papers respecting the internal state of the country, which he had brought down from the Prince Regent, be referred to a committee. It would be premature, in making this motion, for him to go into a general discussion of the state of the country. Whatever views gentlemen might have as to the late transactions, they would come to the discussion much better able to enter into it when the substance of the information contained in the papers was presented them by a committee. He should only make a few remarks on the course of the proceeding, rather than on any thing which might arise out of it. He had been asked by an hon. and learned gentleman, whether it was intended to propose any inquiry of a peculiar and special nature? and his answer had led to the expectation that a different committee would be appointed from that which had been appointed on former occasions of the same nature. This he had disclaimed, as he should conform himself precisely to former precedents. He had been asked, whether he had any objection to a motion to empower the committee to send for persons, papers, and records. He had been misled by his desire to conform to precedents, as he imagined no such power had previously been granted. He now found he was mistaken: and he was ready in this, as in other respects, to follow precedents of proceedings *in pari materiâ*. It was supposed that the committee was appointed, not to convey to the House an account of the state of the country, but to lay the foundation of some particular measure. This was not the case. He should frankly state, that he thought a Bill of Indemnity necessary; but not as growing out of the report of the secret committee. He was ready to put the necessity of an indemnity act to the House, as necessarily and naturally connected with the former law. Much of the information on which the government had acted was necessarily such as could not be disclosed, consistently with the safety of individuals, and with good faith to them. Magistrates had often been called on to act, for the sake of the public peace, on information which they could not justify on the letter of the law. He should distinctly avow, that a bill of indemnity was necessary, after such powers had been entrusted to a government; and this claim might be strengthened by, though not founded on, the report of a committee. That committee would also show the public what the state of the country was; for, though the prosperity of our commerce and the vigilance of the magistracy had put an end to the great mass of danger, it would be a false view of the state of the country to suppose that the danger was at an end. There were still a great number of dangerous persons working towards the same end with great activity, though the state of the country prevented their exertions from being so effectual as they formerly had been. The noble lord then moved, "That the Secret Papers presented to the House by command of the Prince Regent, on the 3rd instant, be referred to a Committee."

Mr. *Tierney* said, that there could be no objection to refer the papers presented to the House from the Crown to a committee, but he conceived that this was an unheard-of proceeding under all the circumstances of the case, that papers should be sent down to the House by the Crown, without any accompanying message explaining why they were sent, or what they were. Papers had indeed, it was said, been sent down formerly without a message, but this was when proceedings had taken place in a previous part of the session, and papers had been sent down which had reference to those transactions. But the papers had now been sent down at the beginning of a new session, when they had heard no intimation of this proceeding in the speech from the throne—when, from all they knew as individuals, the country was at perfect peace; and from all they heard from men in office, it was in a state of great and increasing prosperity. In all cases in which sealed papers had been presented to the House on former occasions, the assistance of the House was required in some manner — some new measure was proposed to them in their legislative capacities which the prerogative could not reach. "But now," said Mr. T. "there comes down without any message, simply a bag. I see that in the votes it is called, 'a bag relating to the internal state of 'the country;' but there is nothing on the outside of it to show this; and I am sure the gentlemen at the table, notwithstanding their acuteness, have not any good reason to call it so, except from something that happened to drop from the noble lord. But as it relates to the internal state of the country, the best way would be to refer it to the committee on the poor laws. We have that committee already sitting, and it would be natural to refer to that, and no other, this bag. But I suppose there is something in it, or it would not be sealed up; and though the object has not been opened, many will not be at a loss to know why there was no message. I view with a proper jealousy every thing that comes from the throne, and especially when it comes in this mysterious manner, and accompanied by a more mysterious speech from the noble secretary of state; and I think I have reason to suspect there is something at the bottom of it which has not been owned. The truth of the matter is this:—The ministers know, that by their proceedings in the last year, they have, for the last months, been making out a *primâ facie* case against themselves in the mind of every man in the country; and now they want to have a case made out for them, and that under the sanction of a committee of secrecy. The noble lord, with the candour of which he gives such frequent examples, says he should have no objection to a bill of indemnity. No one will doubt, without this candour, that he wishes for a bill of indemnity if he can get it; and to this end he proposes a committee, chosen by ballot, to sit on the papers in this bag. Why, this was one of the coarsest juggles which had been ever played off upon mankind. He did not say, that in no case should a bill of indemnity be granted, when, in the feeling of the country and the House, the secretary of state had acted with caution and mercy. But how had the secretary of state used his discretionary power? When he spoke of the secretary of state, he only mentioned him as the representative of the administration. How had the secretary of state acted? He had not taken up a few persons, who, by their influence, or by the ramification of extensive connexions might be dangerous; but he had gone as it were with a drag net through particular counties, taking up whole classes of men. He believed the secretary of state had acted hastily, and in a manner which he would not have done, if it had not been a cabinet system to take measures of vigour. Alarm had been the daily bread of the administration, and nothing was to be done but to keep alive the idea that danger was imminent, and that insurrections hung over our heads, but for measures which had been extorted from the parliament. Hence they had heard nothing last session but the burning of barracks, the smoking of soldiers, and the destruction of manufactories. They had now better information than they had last session. They had not now to proceed on hints in the dark, or on the impression which might be produced on any respectable gentleman in the committee, but on the result of long judicial proceedings. He solemnly declared, upon his honour, that after all the events and trials that took place during the recess—and he had considered and examined all of them with every attention in his power—yet, after the most careful and impartial examination, he would solemnly declare, without any party bias, that not one case occurred which in his mind showed the suspension to be necessary. The trials, and even the convictions that took place only confirmed this persuasion. He had read every word of the Derby trials with the greatest care, and his labour was indeed amply rewarded by the great and splendid abilities of one of the counsel for the prisoners, his learned friend Mr. Denman. There was not a tittle of evidence that any danger existed that could not have been met by the ordinary operation of law. Nay, the mischief was, that ministers had sheltered themselves under the suspension of the Habeas Corpus, and let the mischief go on till it acquired a footing. Yet in other places the ministers had acted with an unmerciful degree of rigour. — A right hon. gentleman had on a former occasion given them an idea why a committee was to be required. He undertook to prove that the Habeas Corpus Suspension act had not continued one hour beyond the time when it was necessary. Now, unless this point was made out—if one man was detained one hour beyond the time which the safety of the country required, the ministers were guilty of an abuse of power. The right hon. gentlemen had to justify the ministers on another point—the employment of spies. If there was one thing more disgusting than another to every honest man in the country, it was the publicity with which the ministers had justified the acts of these infernal scoundrels, who had been employed for the purpose of procuring information. That if persons involved in a transaction of conspiracy offered information, government ought to receive it was a proposition which he was quite ready to admit; but that government should employ persons not at all connected with a conspiracy, to insinuate themselves among the conspirators, to profess a concurrence with their views in order to betray the confidence of those conspirators, and even to violate the obligation of an oath with a view to drag the unhappy victims of their delusion to the scaffold, formed a mass of atrocious guilt, such as perhaps had never been paralleled in the history of the country. A right hon. gentleman had promised to satisfy them that no agent of government had done such acts. God grant that the right hon. gentleman might succeed, for the credit of the age; but he could not whitewash spies, or detach them from everlasting infamy! This was a task beyond the reach of his splendid oratory.—But if ministers were themselves satisfied that they could establish their innocence by conclusive evidence, why propose such a partial mode of inquiry? Why select a committee of their own friends? Why bring forward a set of names in that form, which had long been the subject of joke? For it was notorious that the names of a committee of this nature were always sent from the treasury, and their appointment supported by treasury influence. He did not mean to blame any particular administration, but to speak of the usual practice; and could any rational being believe that such a mode of proceeding would be satisfactory to the country? Was it possible that the noble lord could suppose that such a proceeding would be satisfactory, either with a view to the vindication of the conduct of ministers, or the maintenance of the character of that House? Yet, if not in order to vindicate the conduct of ministers, which of course would require some investigation, for what purpose was the proposed committee to be appointed? If the committee were only required to report the contents of the green bag, any one member might do that; but he presumed it was desired that this committee should express some opinion upon the conduct of ministers; and there could be little doubt that such a committee as the noble lord had in view, would declare, with a right hon. gentleman over the way, that they were the most wise and merciful ministers this or any other country had ever known, in the administration of such extraordinary authority as that with which parliament had invested them. The noble lord's committee would also most probably recommend an act of indemnity. This committee would first praise the ministers for their wisdom and humanity, and next propose an act to shelter them from any legal responsibility —thus asserting at once that ministers were right, and that they ought to be sheltered from the consequences of being wrong. But if ministers themselves were conscious of having been right, nay, if they were not conscious of being guilty, why proceed as they had done? They had, in fact, filed a bill of indictment against themselves, probably with a view to prevent others from preferring an indictment against them; and then they came forward in a tone of defiance, exclaiming, "This is our green bag—who dare touch our green bag?" But notwithstanding this tone, they appeared to resolve that their green bag should not be touched by any but particular friends —that it should not be subject to the examination of any but partial judges. Could, they, however, flatter themselves that the mind of the country would be satisfied by such a proceeding, or did it become them to call upon that House to sanction a measure so peculiarly calculated to betray partial management, and to excite universal distrust?—Mr. Tierney said, he would proceed no farther: he had said enough to satisfy the House and the whole country, that there never was a measure brought before parliament that exceeded so much the bounds of fairness and common decency.

Mr. *Bathurst* observed, that the right hon. gentleman appeared to think the course proposed on this occasion, quite a new mode of proceeding; forgetting, perhaps, that it was precisely the same as that adopted in 1801, with the support of the right hon. gentleman himself, and in opposition to arguments similar to those which the right hon. gentleman had just advanced. It had, indeed, been the usual practice when papers such as those at present on the table were brought down by ministers to have them referred to a secret committee in the manner proposed in this instance. This manner was then quite agreeable to precedent, especially to that of 1801, to which he had just alluded, and which was followed by an act of indemnity. Parliament, in that case, felt as it must always feel, that government acting for the public safety should not be compelled to give up the sources of that secret information which had urged them temporarily to deprive individuals of their liberty. If, indeed, parliament declined thus to shield government, what government or ministers would be found to execute the powers granted by the suspension of the Habeas Corpus act?—Parliament would, he had no doubt, do in this case as it had always done; although the committee were not bound to report according to the pleasure of ministers; the words were "to report as it shall appear to them, to the House." The right hon. gentleman had, he observed, on this occasion repeated an argument which had been often urged before, and in his opinion as often satisfactorily answered—namely, that the Habeas Corpus act should not have been suspended, because no men of rank were implicated in the conspiracy which it was the object of that suspension to put down. But the reports from the committees of the last session alleged, that although no one of rank appeared to be implicated, the conspiracy itself was extensive among the middle and lower classes. Being so extensive then, and its members so numerous throughout the country, there was good reason for the suspension of the Habeas Corpus act. So parliament thought, and therefore the right hon. gentleman's opinion was in opposition to that of the House. The right hon. gentleman had asserted that the heads of the conspiracy were not taken up, but he (Mr. Bathurst) would affirm that this assertion was incorrect, for the heads, such as they were, were taken into custody, and thus the government had a right to take credit for the measures by which they prevented the conspiracy from exploding, as well as for the convictions where treason had been actually committed. Of these convictions he observed, that the right hon. gentleman took very little notice. He appeared, indeed, to overlook them altogether, unless for the purpose of eulogizing an individual employed in the defence of the convicts. But with respect to the conduct of ministers in exercising the powers intrusted to them by the suspension of the Habeas Corpus act, he was entitled to say, that they, by that conduct, had saved the lives and property of many of his majesty's subjects, who would have been otherwise exposed to the same atrocity which marked the insurrection in Derbyshire. If gentlemen, however, insisted upon censuring the government for their conduct, he must say that such censure should rather apply to the magistrates upon whose information government had acted; for government had never acted without information to which it was bound to attend, and therefore if the government was aspersed, it was entitled to fling that aspersion upon others. But that there was a disposition and arrangement for a general insurrection at the time the Habeas Corpus act was suspended could not now be doubted, after all that had transpired, especially in the trials at Derby. In those trials, which the right hon. gentleman had so slightly noticed, as strong a case had been made out as could well be imagined, not only from the evidence adduced in court, but from the confession of the convicts themselves. After such trials and confessions, he apprehended it was impossible to doubt that the insurrection at Derby was connected with a general plan of insurrection. That such an insurrection did not take place was owing, he was persuaded, to the manner in which the powers were exercised, which had been granted to government by the suspension of the Habeas Corpus act. Upon the passing of that act, in the first instance, the leaders were taken up, but still as it was stated in the report of the second committee of the last session, the spirit of resistance remaining, not as it was pretended with a view to reform, but to subvert, it became necessary to continue the act; for it was evident that a disposition existed in various parts of the country to co-operate by a simultaneous movement, in a plan to overturn the government. It was clear, indeed, that the insurrection which had taken place in Derbyshire, was not the result of a promiscuous assemblage or a precipitate resolution, but of a deliberate project. Now as to the question of ballot for the proposed committee, most of those who heard him had lived long enough to know, that it was the practice of the treasury to recommend a certain list of names to be appointed upon a committee. But although the government recommended, it was still for the House to appoint, and if the House made an improper selection, the responsibility belonged to itself. He remembered the ingenious and impressive argument of a right hon. gentleman now no more (Mr. Windham) upon this subject. That distinguished gentleman had justly observed, that upon any question for the appointment of a committee, it was likely that persons would be selected who were agreeable to the majority. So it would come to this at last, that if there even were no recommendation from the Treasury, persons would be appointed to such a committee who would be rather more agreeable to the majority than to the minority of the House. Such indeed had been the fact in all cases where papers like those on the table were referred to a committee. Hence, he argued, that for the ultimate appointment of any committee, that House, and not the government, was responsible. He did not mean to travel over all the points urged by the right hon. gentleman, for that would be to extend the debate to an inconvenient length, but there were some which he could not consistently overlook. The right hon. gentleman had, for instance, indulged in censure upon an individual, which censure, he apprehended the right hon gentleman would find it impossible to justify, upon his own avowed principles, for the right hon. gentleman had laid it down that it was right to receive information from persons engaged in a conspiracy, and upon this ground the individual alluded to, ought not to be traduced. That individual instead of producing mischief, had actually rendered great service to the country. A late lamented member of that house had been satisfied that such was this person's conduct. The fact was, that this individual had become acquainted with the conspiracy by accident, and he communicated his information to government. He was employed, upon this communication, to continue his connexion with the persons through whom he obtained his information; and, in order to obtain their confidence, he must, of course, appear to concur in the views of the conspirators, among whom he was introduced by a principal conspirator. There was, therefore, no ground to criminate this individual notwithstanding all the slander that had been circulated against him. Reverting to the committee about to be appointed, he observed that its objects were, first, to report upon the conduct of the government in the exercise of the powers entrusted to it by the suspension of the Habeas Corpus act, and next, upon the general state of the country, for it was not among the objects of the committee to recommend any such power as was created in consequence of the reports of the committees of last session.

Mr. *Tierney* explained. He had never so reflected on the legal proceedings at Derby as to say that no evidence of criminal proceedings had been produced.

What he had said was, that the facts which did come to light were such as showed the suspension act to have been utterly unnecessary.

Mr. *Douglas* could not pass this opportunity of entering his protest against the mode of proceeding proposed by his majesty's ministers. For he considered all ballots a mere juggle, equally disgraceful and dangerous to the House of Commons. It would, indeed, be more becoming on the part of the noble lord to nominate at once the persons of whom he wished the committee to consist, and have his nomination carried by an undisguised majority, than to propose their appointment by ballot, than attempt to palm such a committee upon the country as the free unbiassed choice of the House of Commons. The right hon. gentleman on the other side had adverted to the case in 1801, with a view to answer the objections of the right hon. gentleman who had just sat down, upon the proposition before the House. But there was no parallel between the two cases: for in the case of 1801 there was not only a bill of indemnity proposed, but a suspension of the Habeas Corpus act in Ireland. Neither had the committee now proposed any parallel to the committees of the last session. The only object, indeed, of the committee under consideration, was to procure an act of indemnity for ministers, and this object was so evident that the proposed form must be deemed a mere fraud. Such, indeed, must be the impression of the country, and therefore the whole proceeding would serve to bring the House into contempt and ridicule. It was argued, however, that if there was any appearance of management and fraud in this proceeding. it was generally known and understood. For his own part, however, he thought all such appearances, and what were sometimes called pious frauds, were much better avoided. Although they might be points of notoriety among themselves, they were considered as points of detection by the country, and whether, justly or unjustly, served to bring into question the honour of the house, which, like the honour of a woman, should be maintained above suspicion. He objected altogether to the principle of forming committees by ballot; but in no case could it be so exceptionable as in that now under consideration. For what did the proposition mean? Why, that ministers, being under accusation, sought to appoint a committee of their own selection for the trial of the cause, and to cover their object through the means of a ballot. It was not pretended that there was any legislative measure in contemplation. The object of the committee was then solely to judge of the conduct of ministers in the exercise of the extraordinary powers with which they had been recently entrusted. Thus ministers were to put themselves on their trial before the committee, and was it becoming in them to set about packing and sorting a jury for the decision of the cause? But the right hon. gentleman on the other side had just stated that which he could not before that statement have supposed possible, namely, that persons actually in office were to form a part of this committee. Was not such a proceeding, he would ask, a complete insult to the understandings of that House and the country? What would the noble lord himself do, if he were personally accused upon any occasion? With those high feelings and honourable principles which belonged to his character, as every one who knew him must admit, the only object of the noble lord would no doubt be to ensure strict impartiality, to have the accusation tried before a great and unbiassed tribunal. Why then should the noble lord shrink from the lofty conduct he would observe in a case concerning himself personally, and adopt an expedient in this instance, nominally to try, but really to shelter himself and his colleagues from any trial whatever? For by the proposed ballot and secret committee, with the exposition given by the right hon. gentleman opposite as to the persons to form that committee, it appeared that ministers were to be both witnesses and jurors in their own cause. Yet upon the verdict of such a jury a bill of indemnity was to be founded. But it was to be recollected, that upon this verdict would also depend the rights of every individual who had been imprisoned by order of ministers.—For those individuals would be deprived, by an act of indemnity to ministers, not only of that right of action for damages which they now possessed, if unjustly imprisoned, but of that opportunity for restoring their character which they would derive from a public trial. The members of the committee would, therefore, have a judicial as well as a political function to discharge; and every individual who might be affected by their decision had a right to be heard in his own vindication. They had a right to know that their claims and interests were not disposed of by the very persons of whose conduct they complained. He must repeat, that he would rather see the committee altogether composed of a junto of the noble lord's friends, amongst whom he might be sure of triumph, whilst he,

"Like Cato, gave his little senate laws,
"And sat attentive to his own applause."

But if the noble lord really desired to be acquitted to the satisfaction of the country, he would consent at once to the formation of a committee chosen impartially and armed with effectual powers. He should not have detained the House with any farther observations, had it not been for one or two points in the speech of the right hon. gentleman who had last spoken. Although he certainly compassionated the fate of the unfortunate men who had been brought to punishment at Derby, he knew of nothing in the trials or convictions to which any blame could be attached. The existence of a conspiracy, arising out of Luddism, and the preceding apathy of government was sufficiently established. But those trials afforded, at the same time the strongest proof that no new legislative measure had been required for the correction of the evil. The insurrection had, in fact, been principally put down, not by the civil or the military power, but by the energy of a single individual—the overseer of the Butterley iron-works, who scolded half the conspirators away. He must here allude to another circumstance which had a strong tendency to bring those prosecutions into discredit and disrepute—he meant the extraordinary array of counsel provided for conducting them. The crown was not content on this occasion with retaining the counsel who usually practised on the midland circuit, but dispatched others from London, so as to excite a suspicion that this was done, not for the advantage of their talents, but for the purpose of neutralizing them, and preventing their being brought into action on the other side. With regard to Oliver, he was far from thinking that the right hon. gentleman had made out his case. He could easily understand the employment of spies in places with which they were necessarily acquainted, and to which they had easy access; but a stranger could not act in this capacity, without carrying letters of introduction, and conveying favourable intelligence as to what was passing in other quarters. It was his belief, that the spies had done all the mischief; that they had made representations which they must have known to be unfounded, and that when they found disaffection, they produced conspiracy.

Mr. *Bathurst* observed, in explanation, that what he had stated was, that Oliver went down in company with one of the principal conspirators, and by this means became acquainted with the designs that were in agitation among them.

Sir *S. Romilly* perfectly concurred in opinion with the noble lord that an inquiry was necessary, but he totally differed from him with regard to the nature of it. What prospect could be entertained of any effective inquiry before such a committee as was about to be constituted? The present was, he maintained, quite a new course of proceeding; for there was no instance upon record of the reference of papers to a committee, but with a view to some legislative measure. The noble lord had, however, stated that no legislative measure was in contemplation. What then was the object of this committee? On the first day of the session, immediately after the speech of the lords commissioners representing the Crown, who stated that tranquillity was restored and that nothing more was wanting to maintain it, than the vigilance of the magistrates, it was declared by ministers, that they meant to remove the suspension of the Habeas Corpus act. All the prisoners arrested under that suspension were liberated, and they were discharged, even from their recognizances on the motion of the attorney-general. Therefore no danger could be apprehended by ministers; and what then was the purpose of this committee? Why, solely to procure a report in defence of ministers, with the recommendation of an act of indemnity; which it was felt must necessarily be preceded by at least the appearance of inquiry in the present state of public opinion. He would be surprised at such a proceeding, if any thing on the part of ministers could excite his surprise. To-day the noble lord had observed that the proposition of a bill of indemnity was naturally expected to follow the report of the proposed committee, and yet when the act for suspending the Habeas Corpus act was brought forward, the noble lord declared that ministers would accept with reluctance the painful responsibility which the enactment of that measure would impose upon them, while during the existence of the suspension the noble lord and his colleagues were continually talking of the moderation and mildness with which the law was executed, defying even the possibility of any charge against them. Yet now it appeared that ministers sought the shield of an act of indemnity.—Now, that the administration of the trust was to be considered, the House was informed that a bill of indemnity always followed a suspension of the constitution. He hoped the House would see the necessity of an ample investigation; that they would not suffer themselves to be deluded; that they would inquire when the danger, if danger there had been to the state, had ceased to exist; and whether parliament ought not to have been assembled at an earlier period. It was of great importance that an inquiry should be instituted, not only for the purpose of ascertaining what the state of the country was in June last, but what it was in September. The House, he trusted, would recollect, that though, according to the admission of the government, tranquillity was restored in September last, and though acting upon the confidence of that tranquillity, they had restored persons to their liberty who were six months in confinement, still they neglected to call parliament together. It was not until January that they thought proper to adopt that measure, and to determine for themselves that they would discontinue the exercise of those extraordinary powers with which, unfortunately for the best interests of the country, they had been armed. By such conduct ministers had incurred the most serious responsibility. He would ask of those who had been prevailed upon to repose confidence in their discretion, whether they had not done so in the expectation that they would summon an early meeting of parliament, with a view to be determined by the sense of parliament, whether it was necessary to continue the exercise of such powers or not? This surely was a subject which called for the strictest investigation. It was necessary that they should know what the state of the country was when the Habeas Corpus act was suspended; that they should ascertain whether they had been duped by false statements, to lend their sanction to such a measure without the existence of an adequate necessity. It had been admitted, and the admission furnished fresh argument in favour of inquiry, that the very same persons who represented to the unfortunate deluded individuals, that there were fifty and seventy thousand men in different places ready to rise, that those very persons were examined before the committee, in order to prove the existence of that plot which they were instrumental in producing and encouraging. This fact had been acknowledged by the committee themselves. It was also of the highest importance, that the House should recollect the serious responsibility they had incurred, and for which they were accountable to their constituents. They should not deceive themselves with the notion, that the mere appointment of another committee by ballot, would satisfy the minds of the people.—It was impossible not to know, that the sole object which dictated the appointment of such a committee, was to furnish ground for passing a bill of indemnity for the protection of his majesty's ministers, and that the bill of indemnity so procured must arise out of the report of a committee appointed by ministers themselves. On looking to the practice of the House in other instances, they would see the absurdity of the course which they were required to adopt in the present. How, for instance, would they act, if one of their members, unconnected with the government, was charged with any misconduct cognizable by the House? Would they not, after hearing his defence, require that he should withdraw, and then proceed to the decision as their judgments and consciences directed? But here it was otherwise, the ministers demanded permission to decide for themselves by appointing the committee to which their case was to be submitted. A committee by ballot could be considered in no other light. It might be said that the majority of the House would afterwards determine, but was it not the fact, that the small minority thus appointed would lead the majority of the House by pronouncing an opinion, after the inspection of the documents which the House had no means of investigating for itself? The hon. and learned gentleman on the other side (the solicitor-general) had stated, that the proceedings at Derby justified the government in the measures they had taken, but nothing appeared at those trials descriptive of the origin of the conspiracy, and the counsel for the crown, although challenged by the prisoners counsel to do so, studiously avoided to say one word about the origin of the conspiracy, or in disproof of the allegation of its having been caused by the agents of government. The general impression was, that if ministers had gone into that part of the case, it would be found to have originated with the persons employed by them in the different districts. He did not mean to say that it was positively the case, but such was the impression on the public mind. His hon. and learned friend appeared to him, in the conduct of those trials, to have done his duty better towards his majesty's ministers than he had towards the public. If ministers were of opinion that the suspicions to which he alluded could have been cleared up, the opportunity for so doing was presented to them by the trials at Derby. That was the place and that the time for entering into the whole of the case, for explaining the extent and nature of the conspiracy, and justifying to the country the suspension of the Habeas Corpus act by proving the magnitude of the danger with which the country was threatened. By neglecting to do so the public had taken up a contrary opinion, and it was in vain to expect that the appointment of a committee by ballot would alter their present sentiments on the subject. What did his hon. and learned friend mean by saying that the proceedings at Derby justified the conduct of his majesty's ministers? If they took the words of the gentleman on the other side of the House, the conduct of ministers must have been justified by any course of events which it was possible for the ingenuity of man to contemplate. If tranquillity was restored, it was owing to the suspension of the Habeas Corpus act. If disturbance increased, the suspension of the Habeas Corpus act was necessary to put it down; and if the disturbance was only partial, it would have been much worse, but for the suspension of that act, whose operation seemed to be inconsistent with any supposed or possible condition of our internal affairs. But after all, the solicitor-general had not proved that the suspension was necessary; it was impossible that he could have proved it. The conspiracy was checked and extinguished by the ordinary tribunals; and if any argument were wanting to show that the laws were sufficient, even under all the aggravation infused by the government missionaries into the minds of the people, the fate of that conspiracy would afford it. It was too plain, indeed, that the guilt had been suggested and encouraged by men who, with the zeal of religious missonaries, but with a very different design, went about propagating evil, insinuating themselves into the confidence of the poor and the distressed, visiting them at their looms and forges, and with hypocritical sympathy inflaming discontent to desperation. Ministers were seldom slow to convert disaffection to themselves into disaffection to the constitution, or to reward as for good services those who laboured to convert the one into the other for the purpose of afterwards betraying their victims. The transactions of last session were of such importance as called loudly for inquiry. He could not believe that the House would discharge its duty, or satisfy the expectations of the country, if it did not, by a minute inquiry and the fullest disclosure of all these transactions, make some atonement for the dangerous precedent which they had been induced the last session to establish. They were bound to do away, as far as they were capable of doing away, the mischief of such a precedent,—a precedent which was not only fraught with mischief, as it was employed to tear away individuals from their families, to plunge them in solitary confinement, to load them with irons and expose them to all the rigours of arbitrary imprisonment; but as it must operate upon the constitution itself in the present and in future times. Even the mass of individual suffering that was experienced under this act, was far outweighed by the incalculable disadvantages entailed upon the general system of our government. They were bound to see how far they could do away a part of the poison, which, if not mitigated in its effects, was fraught with the most alarming evils to posterity.—They should recollect, that it was a measure without example, and that it was the nature of every new precedent to go beyond the former. What would have been the case if ministers had a precedent in the case he was considering—if they could have stated that in former cases of insurrection the same measure was resorted to, would they not have required it as a matter of course? And were they not to apprehend the same consequence in future times which former precedents must have entailed upon the present? They might look forward to some future minister, anxious to increase the power of the Crown long after the grave had closed upon the present generation—they might suppose some future sovereign of the house of Brunswick, but feeling in his breast the principles of a Stuart willing to avail himself of such a minister, preferring rather to imitate the despots of Europe, than to reign in the hearts of a free people. What a precedent had they furnished to facilitate such designs, by suspending the Habeas Corpus act at a period when there was no war, no pretender to the throne; in short, no other pretence for its adoption than those expressions of discontent which always broke forth in a free country when governed by a weak administration, with whom the feelings of the people did not sympathize. It had been truly said by an hon. baronet on a former occasion, that the Habeas Corpus act might as well have no existence, as be liable to such interruptions. For when was the act of use? Was it not in times when his majesty's government was complained of, in times of disaffection to ministers, which they were always willing to represent as disaffection to their master? Yet in such times, that act, which gave them, he might say, a privilege above all other nations, might in future be taken away by the precedent established in the reign of George 3rd, or rather in the regency of the Prince by whom he was represented. It would have the effect of making Englishmen hereafter a different class of men from what they had hitherto been, unless they who had laid the foundation of such a change, could adopt some measure by which it might happily be prevented. This was to be accomplished by other means than the partial and delusive inquiry which was now proposed. The only excuse upon which the appointment of committees by ballot could be defended was, the existence of such danger as rendered secrecy imperative. Could such a ground be now advanced, or was there, in fact, any other reason for resorting to it, than the necessity which was felt of obtaining a bill of indemnity?

Mr. *Philips* observed, that one of the charges against the disaffected was, that they laboured to bring the House of Commons into contempt; but nothing could so effectually reduce them in the public opinion as the partial election of a tribunal which was constituted for such a purpose as that under consideration. With regard to the assertion, that the suspension act had secured the tranquillity of the country, he was persuaded that that tranquillity had never been disturbed, except at the instigation of informers, whose dismissal from their employment would of itself have immediately restored it. It was understood, that the conspiracy had first been entered into in the county of Lancaster. He had no doubt that the plots and conspiracies in Lancashire might be traced to spies and informers. So far as his own inquiries extended, he found reason to rely firmly on that opinion. The county, he allowed, had been disturbed, but it had been disturbed chiefly by the measures taken by government, and the agents they employed for the purpose of tranquillizing it. He thought his majesty's ministers might have learned a lesson on the late occasion, from what happened in 1812, when dreadful confusion ensued from the employment of the same means that were last year resorted to. It now appeared that the plots which then alarmed the country were principally to be traced to the agency of the persons sent to detect them. The letters of Dr. Taylor, who was then residing at Bolton, and who now lived at Liverpool, proved satisfactorily, that the plots in question were to be attributed to spies. He allowed that great weight was due to the opinions of the magistracy of the country, and to the information they communicated; but he did not think that, in all cases, their opinion or their information was implicitly to be relied upon. The magistrates themselves were liable to considerable delusion from the principles by which they were actuated, and the rumours to which they listened; and therefore, honestly intending to perform their duty, could not always be depended upon in their reports of the state of their districts. If, for instance, a magistrate professing himself a member of an Orange Society, resided in districts abounding with Roman Catholics, his impressions of the conduct of the people in his neighbourhood ought to be received with some degree of suspicion, and his representations interpreted with latitude. The Lancashire plots in 1812 excited the greatest alarm; but to show that they were alarming, principally from the misrepresentations which were given of them, and the means taken to suppress them, it was only necessary to refer to the opinions of those who had made the most inquiry concerning them, who all concurred in considering them as grossly exaggerated. Great incredulity now prevailed with regard to their existence in the part of the country whose tranquillity they were said to have endangered. He had no doubt that the late plots would turn out equally to have been fabricated by the agents employed to detect and expose them. If conspirators, who were spoken of in the report of the committee as having entertained the design of overpowering the civil authorities and of burning Manchester, were really guilty of having formed such an atrocious project, and were arrested on proper evidence of their guilt, why were they not brought to trial? Should men engaged in such plots have been liberated and restored to society to hatch similar atrocities? Should they have been sent back to their places of abode, without any attempt to make them expiate their alleged crimes? Nay, by the course pursued with regard to them, they had now become more dangerous than ever; and if guilty, it was a more imperious duty on the government to bring them to justice. They now returned with the character, not of conspirators, but with the reputation of martyrs in the cause of liberty; and their dangerous influence (if there really had ever been any danger) was incalculably increased by their imprisonment. How were these contradictions to be reconciled? From the means employed by government to preserve tranquillity, and from the wicked agency of the persons they sent to the agitated districts, he was rather surprised that, where so much distress and discontent prevailed, real mischief did not ensue, than that there was so much disturbance. This, he was convinced, would appear, when a proper inquiry was instituted: not by a secret committee deciding on papers produced and assorted by those whom the inquiry would affect, but by a committee of a different description. As far as he could learn the state of the county of which he was speaking, the people were in the greatest distress from scarcity of subsistence and want of employment; and in this crisis were taught to associate their sufferings with the measures of the legislature, and to expect relief from parliamentary reform. While between 8 and 900,000 people were in this situation, and looking out for any means of relief, spies and informers were sent among them to exasperate their discontents, and to encourage them in their delusions. Had a different course been adopted, had means been employed to enlighten their minds on the causes of their distress, and to sooth their feelings by confidence and kind treatment, he was persuaded that the late measures would not have been necessary, and the public tranquillity would have been preserved, without the suspension of the great bulwark of our rights.

Mr. *Wynn* thought, that though the question now before the House, opened a door for the discussion of the whole subject, regarding the state of the country since last session, yet that, as no one had objected to referring the papers to the committee, it might be convenient to postpone so general a topic to another opportunity. However, as it had been asserted in the course of the debate that no one could retain the same opinion as to the conspiracy since the trials had taken place, he felt himself called upon to state his opinion now of the conduct he pursued in the last session, as far as the grounds of it had been affected by events that had since occurred; and he was free to declare, that his conviction of the necessity of the Suspension act remained unchanged; that it had been confirmed by every thing that passed in the country, and by all the evidence that was disclosed on the trials alluded to; that it had averted threatened danger, and that by it the country had been preserved from confusion. It had been said, that if the ministers had taken advantage of it, they might have prevented the disturbances that broke out in Derbyshire. He had understood an hon. and learned friend to say, that by apprehending the ringleaders of the insurrection in Derbyshire at an earlier period, under the suspension act, the mischief would not have followed; but however that might be, it was not a proper argument against a measure of prevention, that the evil did not occur which it was intended to prevent. If no disturbance had subsequently happened, the preservation of the public tranquillity might be owing to the very cause, the operation of which was attempted to be proved unnecessary, by the existence of that tranquillity which was its effect. It had been said on the trials at Derby, that the prisoners expected co-operation from the north, and from various quarters. He believed that their hopes were not without foundation. He believed, from evidence gained on other trials, and by other means, that bands from Manchester, Yorkshire, and other places, were prepared to break out about the same time. In Yorkshire, an insurrection did take place; an armed mob fired upon the king's troops, and the greatest disturbances were threatened. If it be replied to this, that there was no conviction, he would say, that though, from the darkness of the night, and the difficulty of identifying the persons who had assembled to commit the acts of violence, a verdict could not be obtained against them, yet the fact of the insurrection was no less true and undoubted. It had been asked by an hon. and learned friend of his, why the evidence connecting the prisoners at Derby with other associations had not been brought forward on the trial? and he thought this question was easily answered without affecting the truth of such a combination. Enough was brought out, enough was proved, to convict the unhappy men in question; and it would have been superfluous to have called more evidence. He even saw the propriety of not trying these men for the plot, when sufficient facts could be established for their conviction of the act of treason itself. Supposing the prisoners had been taken up immediately after their meetings and arrangements, supposing that the only witnesses against them had been those admitted to a knowledge of their secrets and intended projects, and supposing the charge of treason alone to have been grounded on their machinations against the public tranquillity without any overt acts, there was such an odium in the country at the time against accomplices who turned witnesses, that they would not have been believed. They would have been branded with the names of spies and informers, their evidence would have been heard with disgust, and their testimony entirely rejected. When the overt act and intention could be proved, there was no necessity for going into all their previous counsels. He therefore thought that the prosecution behaved properly in not calling such extraneous evidence, and that no suspicion could be thrown on the policy of the suspension act by withholding it. This measure was extremely useful in preserving the public tranquillity, till the circumstances of the country were altered, and till the people, by the attainment of a more prosperous state, were withdrawn from the influence of those who exasperated their discontents into disaffection. Upon the whole, he saw no cause to repent the vote he had given. With respect to the appointment of a committee by ballot, or otherwise, he thought it a question of no importance, for there was no reason to doubt that exactly the same men would be chosen, whether they proceeded by ballot or by motion. The ballot was resorted to for the election of a committee, because it was thought that some members who would not choose to act ostensibly against the administration, would yet vote against them under this cover of secrecy. He did not know if this would be the case, but at least such was the ground of its adoption. He did not, therefore, see how it could be more favourable to ministers to elect a committee by ballot, in preference to one by motion, for there was no reason why the person who put a particular name into a glass should not vote for it also. If ministers had a majority in both cases, their committee would be appointed, and their favourable chance would not be increased by the former mode of nomination.

Sir *W. Burroughs* did not at first intend to have addressed the House on the present occasion, but it appeared to him impossible to sit still while the Suspension act was under discussion, and not to attempt an answer to what had fallen from the hon. and learned member who spoke last. That hon. member thought that subsequent events had completely justified the measure. He (sir W. Burroughs) was of a different opinion, and he would state the grounds of that opinion. Looking at the reports on which the Suspension act was grounded, he found, in the first, that a conspiracy was alleged to have been formed in London to burn the barracks, to storm the Tower, to seize upon the Bank, to destroy the bridges, and in short, to overturn the government, and to subvert the order of society. But what were the facts that appeared on the trial of Watson and the other prisoners tried in Westminster-hall? and how did the evidence given on that occasion support the representations of the secret committee? The conspiracy was found to have been formed by two surgeons without employment, a man of broken fortune, two cobblers, and the bully of a brothel. It did not appear that any person of respectability or influence favoured their projects, or partook of their counsels, or that they had any connexion with other conspirators or agitators in the country. Then there followed a second report, which omitted all mention of the conspiracy of the metropolis. The hand-bills, exciting to the murder of the Prince Regent and of the noble lord opposite, of which 5,000 copies were said to have been prepared, were no where to be found. The seat of the conspiracy was, therefore, transferred to the north, and the disturbances which afterwards gave occasion to the trials at Derby were brought forward. But it appeared that this formidable insurrection was dispersed by the ordinary efforts of the magistrates; that the ringleaders were arrested, imprisoned, and brought to trial. The rising took place in June, the trials took place at Derby in October, and nothing happened in the interval to excite any alarm, or to call for the exercise of extraordinary powers. It was said by the hon. and learned gentleman, that the evidence of previous plots and meetings was not necessary on these trials, but he begged leave to differ from him. The judges, in addressing the juries on that occasion, laid down the law, and very properly, in his opinion, that a rising for a general and public object constituted the crime for which the prisoners were indicted; and that the only questions on which they were called to decide, related to the overt act of the insurrection, and the general purpose. Now, to have established by evidence the connexion of the prisoners with other conspirators in different parts of the country, frequent meetings and common objects, would have at once decided the nature of their design, which was the only thing on which there could remain a doubt, and the non-existence of which was the only circumstance on which their counsel rested their defence. If it had been shown that they were acting in concert with persons at Manchester, at London, at Nottingham, or in Yorkshire, for overturning the government, the fact of their having committed high treason could not have been doubted for an instant. Why, then, was not such evidence brought forward? It was not difficult to discover the reason. Had the prosecution gone into testimony for this purpose, it would have appeared, that the insurrection had been arranged and encouraged by the agents of government. One of the unhappy men convicted on this occasion, nearly at his dying moment, when he might have been supposed to be inclined to speak the truth, and when he was assured that a falsehood could have no influence on his fate, imputed to the instigation of Oliver the crime for which he was about to suffer. But, said the solicitor-general on a former night, why did not the learned counsel for the defence of the prisoners bring forward and examine this person, if his evidence was so important? The reason of this is obvious. He could not have been examined as to their consenting to commit treason, without proving the treason for which they were arraigned. He must have been the most dangerous witness they could have called; and if they had produced him, they must have produced the means of their own conviction. The admission that they had consulted with him to overturn the government, would have amounted to a confession of their crime, and deprived them of all the means of defence. In the second report of the committee of secrecy, they shifted the scene from London to Manchester, where the conspirators were to burn the town, and massacre the inhabitants. If such were the designs of the men apprehended under the Suspension act, how could ministers account to their country for having liberated them without a trial? On what plea could they be discharged, at first with the idle farce of taking their recognizances, and afterwards from their recognizances? If this was not a confession that the ministers had nothing to produce against the alleged traitors at Manchester, and that the evidence on which the report of the committee in which they were arraigned was unfounded, they incurred a heavy responsibility for sending back such dangerous characters into society. Their conduct was inexplicable on the supposition that the report was true, and the Suspension act could not be justified on the ground that it was not. No events happened since to justify such a measure. If he might advert to one melancholy event which had united the nation in one common expression of sorrow, he might draw from it an irresistible inference, that the minds of the people were sound, and that their attachment to the House of Brunswick remained unshaken. Never in any country was there more sincere or more general sympathy, and never did any nation more unequivocally testify their affection for the family of their sovereign. With respect to the immediate question before the House, he could not agree that the election of a committee by ballot was so favourable to free inquiry as one by motion. Suppose a committee were to be elected by motion, the noble lord and the right hon. gentleman, as it was to decide on their own conduct, might feel a little delicacy in nominating themselves: whereas a ballot totally destroys this feeling; and though the list was made by themselves, they might still be on it without offending any sense of propriety. That the proposed committee was intended to bring in a posthumous justification of the Suspension act, there could be no doubt. Could any other object be conceived in the inquiry but an indemnity bill? The suspension act was abrogated; it would not be their intention to renew it. Did they mean to recommend the continuance of the seditious meeting bill? Was this to hang over the head of the people during the ensuing general election? An indemnity bill would certainly be the first measure. If then indemnity was the object, he begged to say, that the Suspension act gave to the servants of the crown no new powers for the apprehension of the subject. It merely gave the power of postponing his release. But the noble lord had allowed that some violation of the law might have taken place. To what did that admission amount? It amounted to this, that ministers, by their own acknowledgement even, exceeded the extended limits of the very extraordinary powers which they themselves felt sufficient for the public danger at the time—a danger, it would be recollected, that was now proved to be idle to most, and doubtful to all. But the House would not forget that it had an obligation to discharge to the sufferers under these extraordinary powers. Had the imprisoned no claims? In what way had they to satisfy their own feelings, to reinstate themselves in the good opinion of their connexions and country, to redeem themselves with society, but by bringing their whole conduct into public discussion, by an action at law against the persons under whose warrant they were apprehended? If there has been an abuse of power, were the sufferers to be deprived of a remedy on a report of a committee, recommended by the very persons accused, and to be taken on the *ex-parte* statements which those very accused might think proper to adduce? If that be the course to be pursued, he must pronounce it one of the most violent expedients ever submitted to an impartial and enlightened assembly. At all events, he trusted that the House would challenge the name of every minister that might appear on the returned list.

Sir *John Sebright* said, that after reading the reports of the secret committees of the last session, he at that time felt that the state of the country, as described in those reports, required, in his judgment, the passing of the suspension act. Under that impression he had given the measure his support, being ever determined to strengthen the activity of the executive government, for the purpose of putting down all conspiracies against the peace and tranquillity of the state. But he had that night a duty to himself, to his constituents, and his country, to discharge, in declaring that he was grossly mistaken in the view he had taken of the public danger at the period, and in the necessity for arming ministers with these extraordinary powers. The gentlemen on that side were much mistaken if they believed that he rose for the purpose of abusing the ministers of the Crown. No! He believed that they had no intention to deceive the country, but his conviction was that they were themselves deceived. Every occurrence that had subsequently transpired had convinced him that there existed no one circumstance to justify the suspension, even for a moment, of that great bulwark of British liberty, the Habeas Corpus act. Evil designing men might have been active in taking advantage of the public distress, but the ordinary laws were fully sufficient to counteract and defeat their efforts. In declaring that opinion he took no credit for himself: it was an imperative duty to the country, to assert that, in his opinion, the coercive measure was not justified by necessity.

Mr. *Ellison* contended, that no one could believe otherwise than that Brandreth had had a gross falsehood imposed on him respecting Oliver, at the time of his examination. That we had been in danger he had no doubt; but thank God, we had subdued it. He could state, from his own experience as a magistrate, that there had been emissaries going about the country, to excite the people to outrages. But he thought that if parliament had not acted as they had done, they would have been guilty of a dereliction of their duty, and if ministers could not make out a good case of justification as to the exercise of the discretionary powers intrusted to them, he would pledge himself to vote against them. He protested against that sort of blasphemous and seditious trash with which we were inundated, and the object of which was to demoralize the country.

Mr. *Savile* considered the country as much improved since last year, in its commercial, agricultural, and manufacturing interests, but he could not altogether give the ministers credit for its amelioration. The hints, the strong hints, which they had received from parliament, induced them to take the measures of economy and retrenchment which had been so successful. It was the great boast of the country, and the best answer to bold reformers, that such recommendations were sure to have an operative influence on the executive government. So long as ministers attended to the voice of parliament, he would always give them his support. He wished to be considered as an independent man, and when he gave his support to ministers, he gave it on general grounds. He had never desired a place from ministers. He came into parliament perfectly unbiassed, and he should always consider an independent voice in such an assembly as a greater glory than any situation that could be conferred upon him. He had no wish to stand well with ministers. He wished to stand well with the respectable part of mankind in general, for he was not indifferent to the *vox populi*. He thought every man should be considered as independent, however he might change his opinion, who did not go from one side of the House to the other for his own benefit. He had now had a seat in that assembly for 11 years, and he could safely say, that he had never got any thing for his vote. He had been accused of inconsistency, for having voted against the ministers in the last session; and he had been told that his opposition was imputed to a refusal on the part of ministers of a situation for a diplomatic friend of his. He disclaimed such a motive. He had got a seat in that assembly on independent principles: he had received an independent fortune from his father, and he would never disgrace either by sacrificing his independence.

Mr. *Forbes* said, he did not think that the measures which his majesty's ministers had adopted had been by any means uncalled for or unnecessary, though he considered that some different use might have been made of them. If they had been employed in stopping the proceedings of many of those persons who had been in the habit of attending public meetings, and of making inflammatory speeches to the public, it might have been better. He would rather have seen some of those men apprehended, than some who had been only excited to do what they did, by their speeches. Had such been the case, he was convinced it would have met with the approbation of a very large portion of the population.

The question was then put and agreed to, as were the questions that the committee should be a committee of secrecy, and should consist of 21 members. On the question, "That the committee be chosen by way of balloting,"

Mr. *Brougham* said, that, passing over the merits of the discussion as to the appointment of the committee at all, and referring merely to the question of form, he wished to ask the noble lord, how it was possible by the usual mode of ballot, to get out of the difficulty that must arise, should the noble lord, as secretary of state, be returned on the list given by the scrutineers after the ballot? Looking, he would say, to the substantial object of impartiality with a view to ultimate indemnity, the noble lord himself must admit, that he ought not to be on that list. As it would be for the committee, probably, to report whether certain individuals should be debarred from bringing their actions at law against persons returned on that list, some of whom had been already perhaps made a party on the record, he was anxious to know, before the question of ballot was put, whether in case of that question being carried, any subsequent mode presented itself of arguing the question as to the individual propriety? According to the mode adopted last session, he believed there existed no mode, after the return of the scrutineers, of taking the sense of the House on a separate name.

Mr. *Canning* said, that the noble lord's name would not appear on the returned list, unless it was the sense of the majority of the House that it ought to be there. What, then, was there extraordinary in the case, but that the minority could not turn round on the decision of the majority of the House. It was the usual custom of parliament to elect such committees by ballot; and if there was any one mode by which the individual dissent of members on an individual name could be more distinctly obtained, it was by the mode now proposed. Within his recollection, it was the custom to circulate two lists in the House, one called the Treasury, and the other the opposition list; and the result always proved the wonderful correspondence between the actual return and the individual assent of the House. He did not see any grounds for a departure in the present instance from the ordinary usage of the House, merely for the purpose of affording the opportunity of an individual discussion.

Mr. *Brougham*, in explanation, said, he did not name the noble lord invidiously; he merely mentioned him as the only secretary of state in that House. Were lord Sidmouth a member of that House, he would more directly have adverted to him; or had his right hon. relative, connected with the home department, been present, he should have instanced him instead of the noble lord: but the right hon. gentleman must see that, he had not at all met the objection; for, though the noble lord should be returned on the list, such return could only give him a relative majority.

Mr. *Tierney* wished to know whether any answer would be given to his learned friend's question, for none had yet been given; namely, whether, after the scrutineers made their return from the glasses, there was any mode of submitting a motion on individual names to the sense of the House?

The question was loudly called for, and the House divided: Ayes, 102; Noes, 29.

List of the Minority

Babington, T.
Burroughs, sir W.
Brougham, H.
Burdett, sir F.
Barnett, James
Brand, hon. T.
Browne, Dom.
Calcraft, J.
Campbell, hon. J.
Douglas, hon. F.
Folkestone, vis.
Fellowes, hon. N.
Fazakerly, J. N.
Fergusson, sir R. C.
Harcourt, John
Heron, sir R.
Latouche, col.
Macdonald, Jas.
Methuen, P.
Nugent, lord.
Ossulston, lord.
Ord, W.
Piggott. sir A.
Philips, George
Romilly, sir S.
Scudamore, R. P.
Simmons, T. P.
Sebright, sir J.
Tierney, right hon. G.
Waldegrave, hon. W.
Wood, alderman.

TELLERS

Abercromby, J.
Gordon, R.

HOUSE OF COMMONS.

Friday, February 6.

PETITIONS OF JOHN KNIGHT AND SAMUEL HAYNES COMPLAINING OF THE OPERATION OF THE SUSPENSION OF THE HABEAS CORPUS SUSPENSION ACT.] Lord Folkestone presented a Petition from John Knight of Manchester, setting forth;

"That although the petitioner is unconscious of any crime or breach of law, by him committed, yet in the night between the 8th and 9th of March 1817, his house was forcibly entered, his family, which consists of a lame wife, five children, and a dependent niece, disturbed and terrified by a posse of police officers, who searched his house, and carried off such books and papers as they thought proper; that, after this nocturnal visit, the petitioner was prevailed upon to quit his home and family and retire to the house of a friend; that on the evening of the 29th of March, the petitioner was arrested by a constable of Sowerby, and by him taken to his, the constable's house; that this constable refused to show his warrant, and when urged thereto talked of his pistols, and shouted for his assistants; that about one o'clock in the morning of the 31st of March the petitioner was called out of bed by Mr. Naden, the deputy constable of Manchester, and by him was ordered to be handcuffed, and so conveyed to the New Bayley Manchester, where he was confined in a cell 8 feet by 6½ feet (in which were two beds) from Monday morning early until late on Saturday night, during which time he was not four hours out of doors; that his chief food was bread and cheese and a quart of beer per day; that his wife was not permitted to see him; that he wrote to the magistrates one day, and the next day to the boroughreeve and constables, requesting to be informed of what and by whom he was accused, but received no answer from either of them; that on Sunday morning the 6th of April the petitioner was heavily ironed, and so conveyed to London, 182 miles; that whilst in a public house in Bow-street, the landlord thereof said to the petitioner, that if he had any friend in town to whom he wished to write, his son should convey the letter; in consequence of this proposal the petitioner wrote two letters, one of which he addressed to sir F. Burdett, the other to the hon. H. G. Bennet, which letters he saw in the hands of the under secretary of state the same afternoon, when he was ordered to Tothill-fields bridewell until the ensuing Wednesday; that on Wednesday the 9th of April the petitioner was again brought to the secretary of state's office, where no questions were asked him relative to his supposed offence, nor any thing stated to him on that subject, yet he was committed to close and solitary confinement on suspicion of high treason; that about 4 in the afternoon of the 10th of April the petitioner was taken from Tothill-fields, where he had been kindly treated, and was removed to Reading gaol: on the road the petitioner saw a newspaper, which mentioned his arrival at the secretary of state's office the day before, and added, that the papers found in his trunk were of a treasonable nature, although in fact the only papers therein at that time were a list of the articles of raiment it contained, and copies of two love-songs, which songs so pleased the keeper of Tothill-fields bridewell, that he requested the petitioner to give him copies of them, which he did; on showing this newspaper paragraph to Mr. Adkins, the Bow-street officer, and asking him how such a falsehood could get there? he said, "that a guinea might do such a thing as that;" the petitioner, astonished, then asked him if any body would get a guinea for writing such a downright lie? he replied, "he should not wonder if they did;" that, on the petitioner's arrival at Reading gaol, together with two other state prisoners, about half past 9 in the evening, it was with the utmost difficulty, and after much expostulation, that they obtained a supper, although they stated to the keeper that they had come about 40 miles without food; that on the following morning a turnkey came to the petitioner, and said the governor could only give them the county allowance, (*i. e.* bread and water), until he got farther orders; the petitioner then requested to have some coffee to breakfast, and also to see the governor: the three state prisoners were then conducted into a common prison-room, into the upper story of which were put for their use two beds stuffed with straw, and no bolsters whatever; in this manner they were lodged, and here they remained for 16 days; coffee was brought for breakfast, and in the course of the forenoon some mutton, potatoes, &c. &c. which they cooked for themselves: during these 16 days, the petitioner paid for some things, others they procured from (what is called in prisons) the shopman, and some others the keeper sent in; on the 16th of April they were informed, that their allowance was a guinea a week each, and which they might lay out as they pleased; then they thought they could save some money towards clothing, or for their families; for 16 days they had nothing but water to drink, and never could obtain either reckoning or settlement with the governor, nor could the petitioner get reimbursed the money he had paid for the joint use of the three state prisoners, until the very moment he left that place; on the 27th of April, without their being consulted or their consent asked, they were informed, that in future they were to have dinners from the governor's table, and have a pint of beer per day, breakfast, &c. they must cook for themselves as heretofore; at this time they were separated, and put into different and better rooms, the sash-windows of which were previously and purposely nailed down, although they were well barricadoed on the outside with strong iron bars; for 18 days after the petitioner and his fellow prisoners were separated, they had only a pint of beer per day, afterwards they had two pints per day; here the petitioner never could obtain a candle, even at his own expense; that on the 9th of July the petitioner was removed to Salisbury gaol, where he was put into a small, gloomy, stinking felons' cell, and surrounded by noisy, brutal prisoners of that description; that, on his arrival at this gaol, all his letters and papers, even to a roll of blank paper, were taken from him; here, for several days, he could obtain only water to drink, nor ever could procure either knife or fork to eat with; this place was so ill ventilated, that it ruined his health in a few hours; he spoke to the gaoler, and requested a better room; was told there was none to be had: on the 11th of July, the petitioner wrote to the secretary of state, informing him of the situation in which he was placed, and of the ruined state of his health, requesting also to be removed; which request was, on the 18th of the same month, complied with, when he was removed to Worcester; here again the petitioner was confined two nights and one day in a small cell, whilst a room was prepared for his reception; in this room his health soon recovered, because it was much larger than the Salisbury cell, the air was good, and he could admit it at pleasure; here, however, he was never more than half an hour per day out of doors, and many days never out at all; here also the petitioner had to write four times to the governor before he could obtain a candle, and at last only obtained a small one for each night, which would not burn three hours, even in the depth of winter; that a short time before the petitioner's liberation he wanted a garment made, and so rigorously strict were his keepers in keeping him from his fellow-creatures, that before a tailor could have access to him, it was deemed necessary to procure a justice's order for that purpose, and the petitioner was told that this delayed the tailor's visit more than a week, and whenever the petitioner mentioned his want of clothing to his keepers, he was told he might have the prison uniform whenever he pleased; that on the 31st of December, after more than nine months close, and, generally, solitary confinement, the petitioner was informed, that his liberation was come, and that he would be instantly discharged on the same terms as others, that is, by giving his own recognizance for 100*l.* to appear in the court of King's-bench next term, which condition he accepted; he was only allowed 2*l.* for his journey home, more than 100 miles, and which would not pay the inside fare of the coach, although it was in the depth of winter, and the petitioner advanced in years, and also after such a long and close confinement; that during the petitioner's confinement, several letters, which he addressed to his wife and children, and also several which they addressed to him, were never delivered according to their superscriptions; that on the 6th or 7th of January, 1818, the petitioner wrote to the secretary of state, requesting to be informed whether his attendance in the court of King's-bench would be required, but received no answer, therefore he deemed it necessary to hold himself in readiness to attend the said court; that about 12 o'clock on the 21st day of January, the first day of term being the 23d, the petitioner was verbally informed, that the secretary of state had sent a letter to the police office, Manchester, which said, "that the state prisoners mentioned therein need not go to London, as they would not be called upon;" that in consequence of this information, although himself and three others had engaged a coach for London, the petitioner, with Samuel Drummond, went to the police, and was again told he needed not to go to London; he then asked if the recognizances were set aside or nullified? they were then told that they would have printed copies of his lordship's letter that night; the petitioner and Drummond said, "that would not do, as they had engaged coach for three o'clock, they must therefore be satisfied on that point immediately, or they would feel themselves obliged to go to London;" they were answered, "they might go to hell if they pleased," and ordered out of the room; they however staid whilst the letter was sent for and brought, but were not permitted to read it; however, it was read to them; after which the petitioner again inquired, if they, the magistrates, were authorized by that letter to set aside the recognizances? Mr. Evans, a magistrate and counsellor at law, in a rage replied, "We will not tell you, it is not our business to put any construction on his lordship's words;" having said so, he hurried out of the room; that therefore the petitioner, at a great and inconvenient expense, and at the great hazard of his health, came to London; that being arrived there, Mr. Johnstone, Mr. Bagguley, Mr. Drummond, and himself, addressed a note to lord Sidmouth, requesting an interview on the subject of their recognizances, but his lordship refused to see them; they therefore immediately went to the court of King's-bench, and individually claimed of the court either to be tried or to have their recognizances set aside and discharged; they were informed (to their astonishment) by the court, that they (the court) could neither do the one nor the other, having no charge against them, nor having the power to nullify their recognizances; that therefore, at a great expense, the petitioner felt it necessary to attend the said court from the 23d to the 31st of January, 1818, when the attorney-general was prevailed upon to move for the discharge of all the state prisoners' recognizances; that the petitioner has been repeatedly, wantonly, and wickedly vilified, calumniated, and slandered in the public papers, his business quite deranged and ruined, his body vastly impaired by his long and close imprisonment, and his family and pecuniary affairs incalculably injured, and that this is the second time he has so suffered, and for the same cause, namely, the promotion of a reform in the House; that in the year 1812, the petitioner, when in company with more than thirty others, for the sole purpose of forwarding petitions to the Prince Regent and the House, were broke in upon, and seized by the police officers of Manchester, aided by armed soldiers, who conducted the whole to prison, and on the deliberately wilful and false oath of an hired spy, they were committed to Lancaster, being 38 in number, most of them heads and fathers of families, and there stood a fourteen-hours' trial, on an ignominious but groundless charge; and, although acquitted, the petitioner was thereby separated from his family twelve weeks, and also his affairs completely deranged; that the petitioner, therefore, earnestly prays, that the House will take his case into their serious and candid consideration, and not only refuse to pass the Indemnity Bill, but bring those ministers and magistrates to justice who have so wantonly and cruelly violated the liberties and privileges of Englishmen in the person of the petitioner."

Lord Folkestone also presented a petition from Samuel Haynes of Nottingham; setting forth,

"That the petitioner was on Thursday morning June 13th, 1817, without any provocation on his part, taken out of a bed of sickness, handcuffed and guarded to a prison, and locked up in a dreary damp and gloomy cell; what then must have been the surprise and astonishment of the petitioner when he was locked up in such a horrible den of misery and in a bad state of health, when at the same time he was conscious he had never done an injury to any man: on the Saturday following it was communicated to the petitioner that he was to go to London; the petitioner civilly asked when and what for, but received no answer, but on Saturday afternoon a chaise came to the prison door, when the prisoner was fetched out of his den of misery, and chained hand and foot to a person of the name of Francis Ward, and was conveyed to London to lord Sidmouth's office, when his lordship rose and addressed the prisoner in nearly the following words: 'You, Samuel Haynes, are brought here, charged 'upon oath of high treason; you will be 'taken from here into close confinement, 'and there kept till you are delivered by 'a due course of law, and you will have 'due notice to prepare for your trial, and 'you will have the names of evidence 'against you, &c: and if you have got 'any thing to say we will hear you;" the petitioner told his lordship he had nothing to say, for he knew nothing about any body's business but his own; his lordship then sat down, and the petitioner retired with a heart that leaped with gladness, for he fondly though vainly thought he should soon be brought before some tribunal of justice where he would have proved his innocence as clear as the noon-day sun: but on the Monday following, Mr. Atkins, keeper of Cold-bath-fields prison, informed the petitioner that he was to be sent to Lincoln-castle; when the petitioner with two other state prisoners arrived at Lincoln-castle, the petitioner with his two fellow prisoners was ordered to strip, and was strictly searched by the turnkey; the turnkey took the petitioner's watch, though not without the petitioner remonstrating with him at such an arbitrary proceeding: the petitioner was, with his two unfortunate fellow-prisoners, put in a dismal-looking little habitation; the petitioner and his two fellow prisoners gave the turnkey some money to get some bread and cheese and some beer; when the petitioner with his two fellow prisoners had got their bread and cheese and beer, and had just began to eat, the gaoler came in and said, the petitioner and his fellow prisoners must be separated immediately; the petitioner intreated the gaoler to let him and his unfortunate companions be together for half an hour while they partook of their refreshment; but no, the bread and cheese was pulled in three pieces and divided with the beer, while the petitioner with his two unfortunate companions gazed on each other with wonder and astonishment, and was instantly separated in three dreary apartments, and as it seemed then never to behold each other any more; what the petitioner felt at such merciless treatment the House can better conceive than he can describe to them; night soon came on, and the petitioner was taken from his dreary habitation to a cell to sleep; having passed a melancholy and sleepless night, the next morning the petitioner was taken to his daily den of misery again; the petitioner being in a bad state of health soon feltthe pernicious effects of close and solitary imprisonment, for in five or six weeks he was reduced to a mere skeleton; it was then he began to contemplate his wretched situation, and could then perceive that lord Sidmouth's promise concerning a trial was a mere delusion; in that dreary habitation that the petitioner had to pass away his murdered hours by day in cruel solitude, there was nothing but a wooden block to sit on; the petitioner's debility had so increased that he became so weak he could not sit up, and he asked several times for a chair, but he might as well have asked the winds for a chair; so the petitioner contrived to put his block in a corner of his den, and prop himself between the two walls; the petitioner requests the serious attention of the House to this point; now let them fancy for a moment they are peeping into the dismal habitation of the petitioner in Lincoln-castle, there beholding a poor forlorn and helpless fellow creature, brooding over his misfortunes in gloomy solitude; ah! cruel remembrance: the petitioner when in this deplorable situation, his death being daily expected, wrote a letter to lord Sidmouth, intreating his lordship to let his wife come and see him before he died, and at the same time solemnly declared his innocence to lord Sidmouth, and told his lordship, that that base charge that he charged him with would never be proved against him, no, neither on earth nor in Heaven; in a few days after the petitioner was liberated, and when he came home his ghastly appearance quite shocked his family and friends, and they all thought then that before this time he would have been sleeping in his grave; the petitioner has sent this petition to the House for their consideration, whether he must bear with such an outrageous, cruel, and unprovoked attack on his person, as to be savagely dragged out of his bed in the dead of the night, and sent to a prison from a comfortable home, from a wife and six helpless and unprotected children, in this our boasted land of liberty and christianity: and the petitioner humbly requests leave to state to the House, that he views with regret the conduct of his oppressors, men who pretend to be true followers in the faith of Him who expired on the cross in bitter agony by cruel torture on Mount Calvary; but whatever their pretensions may be to Christianity, could they have a Christian feeling when they coolly and deliberately ordered a fellow creature into solitary imprisonment, there to remain day after day and week after week, in a bad state of health, as was the case of the petitioner, though in that deplorable state, pent up in a miserable dungeon, and deprived of the dearest privilege of society and the felicity of friendship; under all this oppression the petitioner must confess that he had some pleasing reflections in contemplating his own innocence, trusting that a time would come when he would be at liberty to lay his case before the House for their humane and serious consideration; the petitioner seeks not the punishment of his oppressors, though he has been distressed and brought to indigence by them, but he appeals to the humanity and protection of the House, to redress his injuries in being so wrongfully and cruelly persecuted; but if there are any members in the House who have a doubt on their minds as to the truth of this petition, then the petitioner most earnestly implores them to hear him at the bar of the House, as he is ready to prove every assertion contained in this petition."

Ordered to lie on the table.

SECRET COMMITTEE ON THE STATE OF THE NATION BALLOTTED FOR.] Lord Castlereagh moved the order of the day for the balloting for the Secret Committee, to which the papers on the internal state of the country were to be referred.

Mr. *Tierney* said, that in ballotting for the Secret committee, they would have very little trouble, as the lists were all prepared by ministers themselves. He hoped, however, that no gentleman would be named who was not in the habit of attending the House, and on whose attendance in the committee they might therefore calculate.

The clerk proceeded in the usual way to call over the names of members alphabetically. The first ministerial members who came forward with their lists were cheered by the opposition members. The opposition members did not present any lists. The names of the members having been twice called over, scrutineers were appointed, who afterwards reported the names of the members chosen to be the Secret Committee; viz. Lord Milton, lord G. Cavendish, Mr. W. Wynn, lord Castlereagh, lord Lascelles, Mr. Bathurst, Mr. Lambe, sir Arthur Piggott, sir W. Scott, sir John Nicholl, Mr. Solicitor General, Mr. Attorney General, Mr. Canning, Mr. Yorke, Mr. Egerton, Mr. Wilberforce, Mr. Bootle Wilbraham, Mr. W. Dundas, Mr. Peel, sir W. Curtis, and admiral Frank.

Sir *M. W. Ridley* remarked, that his noble friend, lord George Cavendish, was at a considerable distance from town, and under such circumstances made it impossible for him to attend. He wished to know whether there would be any objection felt to the nomination of Mr. Tierney in his place.

Lord *Castlereagh* apprehended that this would be a proceeding perfectly inconsistent with the nature of a committee chosen by ballot. The noble lord, whose absence he regretted, was in every point of view a most proper person to be on the committee, and as such had been elected.

Upon the mention of lord Castlereagh's name,

Mr. *Brougham* rose, and disclaiming any thing invidious, protested against the attempt to constitute the noble lord a judge upon this question, whether the noble lord himself and his colleagues had behaved improperly towards individuals, who had perhaps already commenced actions against ministers, for depriving them of liberty, and stigmatizing their characters.

Lord *Castlereagh* observed, that if the proposition of the learned gentleman were admitted, namely, that because he was a minister, he ought not to become a member of this committee, he wished to know to what functions he was competent in that House? For were he precluded from giving an opinion, or promoting an inquiry, upon any question in which the administration of the government was concerned, he hardly knew what business he could have to transact in parliament.

Mr. *Brougham* referred to the noble lord's objection to the proposition for substituting another name for that of lord G. Cavendish, and asked how the House would proceed, in case persons were chosen by ballot to any committee who could not possibly attend? The House would, in such a case, no doubt, help itself out of the difficulty, by renewing the ballot; and as to nomination, he called to the recollection of the House, that the last committee of last session was chosen by nomination, and not by ballot. So much for precedent. But to return to the selection of a person by ballot, who was physically incapable of attendance, it appeared that *pro tanto*, such was the situation of Lord G. Cavendish. The attendance of the noble lord was, no doubt, peculiarly desirable, not only from his personal character, but from his acquaintance with the transactions in Derbyshire. But the noble lord, it appeared, could not attend; and was the committee to have no one in his place. Sir Arthur Piggott also was among the names returned; but it would be remembered, that his learned friend, when chosen upon the committee of last session, declared his unwillingness and inability to attend. It was probable, therefore, that his learned friend would be equally unwilling and unable to attend upon the present occasion. Possibly that was calculated upon. Thus it appeared, that two of those members, who might be regarded as impartial, and whose names were inserted in the ministerial list, were likely to be absent from this committee, while the noble lord, with two other cabinet ministers, and the attorney and solicitor generals were sure to be present. How, then, was the country to regard this committee? They saw it composed of the very persons who were mixed in the transactions with respect to which it was appointed to inquire. Yet such was the committee on whose verdict the House would be called upon to legislate. Such was the committee that would no doubt recommend an act of indemnity to shelter ministers from any responsibility for the exercise of the powers with which they were invested by the suspension of the Habeas Corpus act. What a spectacle for the country, that a committee composed, by far the most part of ministers and ministerial adherents, should be appointed to decide upon the question, whether persons imprisoned by order of ministers should have their right of action at law—whether, for instance, such persons as the Messrs. Evans, Mr. Cliff, and others, who had already, he understood, commenced proceedings against ministers, should have an opportunity of seeking legal redress and vindicating their character, or whether all their proceedings should be quashed, while they themselves should be condemned to pay all the costs they had incurred!

Mr. *Wilberforce* thought it desirable, if any member returned upon the ballot was unable to attend, that another should be substituted for him, if such substitution could be made consistently with the usages of the House. To the principle of ballot he declared himself an advocate, because it afforded the best chance of escaping the influence of party, and of producing a fair selection. But even upon ballot, there must be some previous understanding in the House as to who were to be chosen, for otherwise the votes of many members must be entirely thrown away.

The *Speaker* stated, that with respect to the proposition for the substitution of one name for another, he believed there would be found no precedent on the Journals of the House; indeed, that single and individual circumstance of putting one name in the room of another would be, in a manner, jumping over several of the principal orders; and first, that one, that the committee be appointed by ballot. Now, he submitted, that if one name was substituted for another, that would not be done by ballot. He was only stating to the House what he thought was the practice, and, in making such a statement, he thought he was only doing his duty. He could not find any trace of such having been the practice. He did not perceive that any member had been left out, except it was by absolute parliamentary disqualification, a physical impossibility of attendance. As to any other disqualification of attendance, there was, as far as his knowledge extended, no account of any case having arisen.

Mr. *Calcraft* thought, that without contradicting the orders of the House, it might be regular to fill up the places of the persons who it was supposed, would not attend. He wished to say a word or two with regard to the appointment of a committee by ballot. Of that method he could safely say, that the influence of ministers by means of it was greater than by any other mode. He had himself been a scrutineer upon the appointment of this committee by that method. He did not suppose there was any thing secret in what he was saying, but if there was he would not proceed. [Cries of No! no.] He had not been sworn when he was appointed a scrutineer. There were, upon this occasion, 103 persons who had put lists into the glass, and amongst those there were 97 not only identically the same, but in the same hand-writing. Whose hand it was, or whence the lists came, he would not presume to offer a conjecture. But if his hon. friend had considered for a moment, he was persuaded he would have inferred, that the quarter whence they came was not very doubtful. He thought some steps might be taken to supply the places of those gentlemen who would not attend, though he should be the last man to propose any member in the place of his noble friend; for he thought he was one of the best persons in that House to become a member of such a committee.

Mr. *Wilberforce* said, that if any member who had a list given him, thought any one was not a fit person for such a committee, he might have scratched out the names, without its being suspected who made the alteration.

Mr. *Canning* said, that if it were necessary to take any step with respect to the list, there was one obvious course for the House to adopt. They could insist that any member, not prevented by a physical impossibility, should do his duty. For his own part, he should protest against the adoption of any other step.

The *Speaker* quoted the case of sir Joseph Jekyll, who was chosen by ballot to serve on a committee. An objection was made to his appointment, on the ground that he had not taken the usual oaths at the clerk's table, but the House, on a division, decided that he was qualified, and refused to substitute another name.

Sir *W. Burroughs* maintained, that there might be a parliamentary disqualification to exclude a member from serving on such a committee. The case of the noble lord was one of those; there could be no reason why he should sit as judge of his own acts. The precedent just alluded to established this principle, that the House might review the ballot, in order to correct its own proceeding where it might be wrong. He begged to remind the House of the motion made by the noble lord yesterday, which determined that the committee should consist of 21 members. Suppose, then, that lord G. Cavendish could not attend, would not that vote be defeated? Suppose sir A. Piggott was also to absent himself, could it be said that the House was not competent to supply his place? In the last session, the name of the present solicitor-general was added to the committee. It would be desirable to know whether lord G. Cavendish was absent at the time he was nominated, or whether he had since left town. Perhaps the best course they could adopt, under the circumstances, would be to postpone the meeting of the committee until the noble lord could be personally present, as there was no urgent necessity for their meeting immediately. He trusted some steps would be taken to remedy so great an abuse as the appointment of a committee by ballot, which was the worst mode that could be employed. Had they been elected by nomination, the choice would then have been made from the members who were present, and the inconvenience now experienced would have been avoided.

Sir *M. W. Ridley* begged to assure the House, that the absence of lord G. Cavendish was by no means voluntary. It was certainly not his own wish, but a real necessity that compelled his absence.

It was then ordered, that the committee have power to send for persons, papers, and records.

COMMITTEE OF WAYS AND MEANS—EXCHEQUER BILLS.] The House having resolved itself into a Committee of Ways and Means,

The *Chancellor of the Exchequer* said, he had already informed the House that it was not his intention to propose, at this early period of the session, the grant of any other sums than the taxes which the House had been in the habit of granting from year to year, for a great length of time back, and a grant of Exchequer Bills to replace other Exchequer Bills now outstanding. The House would recollect, that in a committee of supply, they had lately voted 24 millions to make good exchequer bills issued last session, and outstanding and unprovided for; nine millions to make good other exchequer bills, also issued last session, and outstanding and unprovided for: and six millions to pay off the loan of the Bank to the government in 1816. He should now, however, merely propose the grant of the land and malt tax, and an issue of 30 millions to replace the above 24 millions of outstanding exchequer bills, and to pay off the loan from the Bank in 1816, of six millions. It would not be necessary to trouble them with any other vote till a later period of the session, when all the different services would be before the House. He concluded with moving resolutions to the above effect.

Mr. *Tierney* said, it was desirable to know whether the 30 millions would be enough to cover the expenses of the public service, so that no farther application for money would be required before Easter. With respect to the amount for exchequer-bills, it was for services voted, and for other purposes. Bills outstanding and unprovided for were to be paid off; but if such bills came in, he wished to know whether they would absorb the sum proposed. Would the grant, when added to the land and malt be found sufficient for the purpose?

The *Chancellor of the Exchequer* understood the question of the right hon. gentleman, but it was difficult and scarcely possible to give a precise answer. He could not exactly state what amount of exchequer bills might come in. They were liable to be paid off in four months.

Mr. *Tierney* wished to know whether it was intended to pay off the loan from the Bank in money, or with exchequer bills? The Bank would be precisely as they were now if they took exchequer bills. There was not any difference as to what the public derived from the Bank. The public gained merely by the difference between four per cent interest and the rate of interest on the exchequer bills. He was happy to see an hon. gentleman connected with the Bank in his place. He wished to inform him and the House, that from that day forward his object would be, to endeavour to ascertain what particular steps the Bank was taking to enable it to resume payments in cash. He was to presume this fact, that for any thing the Bank knew, cash payments might be resumed at the time specified in the act of parliament. Now, it appeared that no step had been taken for this purpose, but one, a very material one no doubt—the preparing themselves with gold. But if this was brought about by increased issues, then he denied that any preparation at all was made. He observed a smile upon the countenance of a number of gentlemen, some of them not very remarkable for their attention to, or knowledge of, financial subjects. The smile of these gentlemen seemed to say—What better preparation can you have than gold? He would tell them a much better—a reduction of the issues. This was the only thing that would look like sincerity on the part of the Bank. With respect to the payment of the Bank loan, if it was in exchequer bills, the only change would be a reduction of interest. Of this reduction he was still glad; but nothing would be done to enable the Bank to resume its payments, if it took payment in exchequer bills. He wished to ask, whether any arrangement had been come to with the Bank, as to the mode of payment? He had a high opinion of the honour and character of the Bank. The first effect of the payment in money would be the Bank's not reissuing the notes paid in. But if the payment was to be in exchequer bills, the Bank could not draw in its issues. If the debt to the Bank were paid, it would always be in the power of the Bank to curtail their issues by not renewing discounts; but the moment they took exchequer bills, they could have no control over the re-issue of bank-notes, because it was a rule with the Bank never to sell exchequer bills. When in the possession of the Bank they were merely good to show what their debts and what their assets were; for, as he had said, it was a rule with the Bank, when exchequer bills once came into their possession, never to sell them again. Indeed it might be doubted whether they had a right to sell; for they were prohibited from "dealing in government securities." Unless he found that proper measures were taken, he should move for papers, from week to week, to see what were the issues of the Bank—simply with a view to ascertain, whether they were taking those steps which afforded the only security to the country for their returning to the wholesome state of things—of paying in cash, without which, all their finance committee reports would not be one whit more serviceable to them than the Arabian Nights Entertainments, or the story of Aladdin's Lamp. It was his sincere belief, that the Bank really desired to return to cash payments; but, on the other hand, he knew there was a powerful body, who cared nothing for the interests of the country—who wished merely the continuance of such a state of things as might be most favourable for their speculations—to whom nothing was so beneficial as the leaving every thing in a state of continued fluctuation. He called, however, on every man who was not a gambler or a speculator, to consider the consequences of a continuance of the present system, and to see, in the third year of peace, how the Bank might resume cash payments. It ought to be the object of the greatest anxiety and vigilance to see that the Bank trod in the steps likely to lead to cash payments. He begged pardon of the House, but this was one of the most important subjects to which its attention could be turned. Were we to be the only country in Europe to which the stigma attached?—for it was a great stigma on a country to remain in that state with respect to our currency in which we now were. He implored them not to consider this as a party question, or as having been taken up by him in a party spirit. Feeling so anxiously as he did on this subject, he was desirous that the attention of the House should be called to it as early as possible.

The *Chancellor of the Exchequer* observed, that he had no objection to reply most explicitly to the question of the right hon. gentleman, and he was ready to admit that the House and the public were entitled to the fullest information which it was in his power and consistent with his duty to afford. With regard to the immediate subject of the right hon. gentleman's inquiry, he had not the smallest hesitation in declaring, that it was the intention of his majesty's ministers that the repayment to the Bank of the loan of six millions should be made in money, and not in exchequer bills [Hear, hear!]. Upon the other more general subject which had been adverted to, although not now before the House, he was desirous of making one or two observations. If it should become necessary to propose to parliament the postponement of the resumption of cash payments, it would not be from any purpose of consulting the convenience of government, but would be submitted on grounds perfectly distinct. He could not agree that it was desirable at the present moment to reduce the issues of the notes of the Bank of England; and he considered the repayment of the six millions in money as expedient, not to enable the Bank to lessen their paper in that proportion, which appeared to be the view of the right hon. gentleman, but to enable them to extend accommodation to trade, and to support the commercial interests of the country. It was upon this consideration that he should probably feel it his duty to propose some arrangement for the final repayment of this loan. Much had been already saved by the arrangement made originally, and the present rate of interest would cause a saving to the country of not less than one million out of the six millions composing the loan. The right hon. gentleman, he believed, had done no more than justice to the Bank, in expressing his conviction that they were sincerely desirous of resuming their ordinary course of payments; but the interests of the public, and the security of commerce, might, in a particular state of things, form a very reasonable ground for the interference of parliament, to delay the period at which that resumption should take place. The subject was not, however, now under consideration, and he should not, therefore, enter into any argument upon the different points involved in it with respect to which questions might be raised, but he begged leave to re-state, that whether the resumption of payments in cash on the part of the Bank of England should commence in the present year or be delayed till the ensuing, the measures of government would be equally directed to forward and encourage it.

Mr. *Tierney* thought the right hon. gentleman's explanation perfectly satisfactory as far as related to the repayment of the six millions in money to the Bank because it would enable the Bank to do what in his opinion they ought to do—reduce the amount of their issues; but he had witnessed, with great dismay, the sort of levity with which the right hon. gentleman treated the very serious question whether the Bank was to return to its regular payments this year or the next. He was glad to hear that it was not the convenience of government which it was intended to consult; but that the understood ground upon which the House might expect, that some measure for extending the time at which the currency was to be restored to its proper state, would be proposed, was, that great loans were to be advanced by individuals in this country to foreign powers. The nature of these loans was no secret to any body: and could the right hon. gentleman entertain a doubt that the money of which they consisted was at the present moment going out of the country, or that the contractors were not already availing themselves of the high price of stocks, in order to make large remittances at the most favourable rate? Without mentioning names, he might allude, by way of example, to a certain individual, with whom he had no doubt the right hon. gentleman was extremely well acquainted, and who would scarcely suffer the present opportunity to pass by him unobserved. He apprehended that this course of things would continue to go on, and that before the five months which still remained previous to the expiration of the present restriction had elapsed, the whole amount of the loans might be transferred. In that case, to postpone the resumption would be to provide against a danger that no longer existed. The right hon. gentleman shook his head; it was possible that the right hon. gentleman might be right, and that he himself might be deceived; but to take an instance which was notorious—the loan of three millions to Prussia—were he one of the lenders, he should be strongly inclined to take advantage of the present state of the funds. What he understood from the declarations of the chancellor of the exchequer was, that nothing existed in the internal or external situation of political affairs which created any obstacle to the restoration of the old circulating medium. The whole question therefore became narrowed to this point, (for it was evident that there was no ground for the appointment of a committee to inquire whether the Bank was or was not prepared to pay)—could a foreign loan operate of itself unfavourably on the price of gold in this country? He was satisfied that it could not, and his conviction was the stronger from looking at the operation of the two great loans to Austria in 1795 and 1798, which loans produced no such effect. What he desired to see was, the Bank liberal in their accommodation, but still cautious in their issue of paper: he desired to see the gold coinage again in circulation: and if in three months after that event, the Mint price of gold was not equal to its market price, he would pledge himself never again to trouble the House on this subject—a circumstance which he had no doubt would give them infinite satisfaction. [a laugh]

Mr. *F. Lewis* said, he must avow himself to be extremely anxious to see the circulating medium of the country replaced as soon as possible on its only secure basis. The facts which had come with in his own knowledge had convinced him, that if there was any difficulty or inconvenience in resuming our ancient and natural currency, those difficulties would be enhanced, and not diminished, by any additional delay. In the discussion of this subject, he feared the operation of the country banks was not in general sufficiently attended to. It was not easy to discover the causes which regulated the extent of their issues. It would, however, be found, upon inquiry, that in as short a period as two years and a half twenty-five millions of country bank notes had been withdrawn from circulation. He would leave it to the House to judge of the effect which this must have produced upon individual credit, and upon all the transactions arising out of the internal commerce of the country. He called upon every member of the House to inquire in his own district and neighbourhood, and he would venture to say, that the result of that inquiry would correspond with his own, and would show that the paper so suddenly withdrawn was now re-issuing with no less rapidity. Could it be doubted for a moment, that these transitions must have a most material influence upon the prices of all commodities, or that it was not of vast importance for the House to pause and deliberate well, before they adopted any measure which might favour the continuance of these fluctuations? He believed it impossible to point out any reason why the whole, or a much larger amount of country paper, would not be thrown into circulation, unless the Bank of England exercised its control over every other, by issuing no paper which was not immediately convertible into gold. The interest of commerce, no doubt, required an adequate circulation of paper, but the misfortune was, that as the circulation increased the depreciation of paper followed, and such must be the consequence while the restriction upon the Bank continued. Should this restriction continue for two years longer, he could not allow himself to describe the distress which was but too likely to ensue. He knew that, on the other hand, the issue of paper was necessary for the purposes of commercial accommodation and to facilitate the transfer of property: but, on the other hand, such an issue as that which he deprecated threatened to shake every other description of property in the country, both landed and funded. To obviate such a menacing evil, he intreated the House and his majesty's ministers to consider seriously the necessity of removing the restriction upon cash payments by the Bank.

Lord *Castlereagh* said, he did not rise with a view to press the discussion of a question which could not, indeed, be fairly or fully entered into until his right hon. friend should bring forward the measure which would naturally raise that discussion. But in reference to some observations which had fallen from the right hon. gentleman, he thought it proper to assure the right hon. gentleman, as well as the House, that it was the anxious wish of his majesty's ministers that the Bank should resume its payments in cash, and that the country should return to its ordinary and wholesome circulation. But looking to the subject in the view taken by the right hon. gentleman himself, he would ask, whether it could be the wish of that right hon. gentleman, or of any of those who thought with him, to place the Bank, by a premature removal of the restriction, in such a predicament as might suggest the necessity of again renewing that restriction, or of urging the Bank to withhold that degree of accommodation which was essential to the commercial interests of the country? Now, in case a foreign loan of such a magnitude should be contracted as would threaten the exportation of a considerable quantity of bullion, would not parliament owe it to the country to continue, or if discontinued, to renew the restriction, as a matter of paramount necessity? It was to be apprehended, that foreign loans of this nature might be contracted, over which the counsels of the country could have no control—with which, indeed, it would be highly improper in those counsels at all to interfere. He did not mean a loan of three or four millions to this or that particular power, but loans of such an extent as could not yet be ascertained, and therefore ministers were not yet prepared to open the case to parliament. That there was nothing in the internal situation or the foreign relations of the country to prevent the Bank from resuming its payments in cash, he was quite ready to admit. There was, indeed, nothing in our foreign relations which threatened, in the slightest degree, the disturbance of our pacific connexion; but yet it was material to provide, that the financial measures of foreign states should not be allowed to embarrass this country, by placing the Bank in such a situation as might compel it to refuse the usual facilities to our different commercial transactions. He denied that government in any degree interposed to promote loans to foreign states. It was for the contractors for those loans to act according to their own discretion, but he hoped that the people of this country would deliberate with caution upon the investment of their capital in foreign funds. He did not mean that the discretion of individuals in the disposition of their property should in any degree be controlled, but it would be well for capitalists to consider what they were about. There was, no doubt, at present, a great temptation to British capitalists; for it was known, that while money could be had in this country on exchequer bills, at so low a rate of interest as two per cent, at least four times that rate of interest might be had in foreign states. It was to be apprehended, therefore, that capital, which naturally sought the most productive employment, would be transferred to a considerable amount; and it was for parliament to guard against the consequences of that transfer upon the treasures of the Bank. From such transfer, indeed, should the apprehended loans take place, the exchange would rise against this country, and, in consequence, the transportation of the precious metals would naturally take place. Under such circumstances then, he put it to the House, whether it would be wise to remove the restriction upon the issue of cash by the Bank? But he would assure the right hon. gentleman and the House, that his majesty's ministers had no disposition to continue that restriction, unless a strong case were made out. He was ready to go along with the right hon. gentleman in deprecating the consequences of the increased issue of paper by the provincial banks; but, on the other hand, it was to be considered whether the Bank should be reduced to the necessity of starving the circulation of the country, or limiting that degree of accommodation which was essential to every branch of our commercial industry. Ministers would, in his view, be highly culpable, if they sought the triumph of clinging to a principle, without considering the case to which that principle was to be applied. They were, as they ought to be, highly solicitous for the removal of the restriction upon the Bank, but it was their duty to consider the circumstances under which that removal should take place. The noble lord concluded with assuring the House, that ministers were not at all disposed to continue the restriction upon the Bank, on any ground or principle of expediency from year to year, and that they would not propose or accede to the continuance of that restriction unless a distinct and special case was made out to justify the measure.

Mr. *Hammersley* expressed a hope that ministers would not be found to have any intention of giving any encouragement to the proposed loans to foreign states, or to the investment of British capital in foreign funds. He was sorry to understand that such encouragement was inferred from certain provisions in the treaties of 1814 and 1815, as he himself had calculated at the time those treaties were concluded; he meant with regard to the reimbursement of British subjects who had lost the property they had vested in the French funds. A distinct declaration from the noble lords upon this subject, would be of considerable utility, especially if ministers had not the intention to which he had alluded. If it should be declared, that the provisions in the treaties to which he had referred, were owing to special circumstances, not likely again to occur, and that the case was not to form a precedent upon future treaties, great good would be done. It was extremely desirable, indeed, to remove the delusion which prevailed on this point, for too many persons were at present disposed to conclude from the treaties alluded to, that the faith of government was pledged to procure the restoration of any property they might invest in foreign funds, and especially in the funds of that country with which we had been lately at war.

Lord *Castlereagh* said, that he had no difficulty in stating that the debts alluded to in the treaties of 1814 and 15, stood upon particular grounds, and that therefore they formed the subject of a special provision in those treaties. By the treaty with France in 1787, it was covenanted, that in the event of war, every British subject should be allowed one year for the removal of his property from that country, and it was in direct violation of this treaty that the debts alluded to were contracted. Therefore it was pledged by the treaty of Amiens, that those debts should be paid by the French government. The treaties, then, of 1814 and 15, only provided for that which originated with the treaty of 1787, and was sanctioned by the treaty of Amiens. Those claims were indeed of such a nature, that if provision were not made to secure their liquidation, the government which concluded the treaty of 1787, would be exposed to the charge of having entrapped British subjects to invest their property in France. But this formed a special case, and afforded no encouragement to British subjects to vest their property in foreign funds. He was ready, then, to go along with the hon. gentleman, that those who should make such investments had no claim whatever upon the British government, and that in the event of any war, or on the conclusion of any peace, no such transactions would be entitled to the consideration of the British government. It would, indeed, be an extraordinary principle to admit that the government of any nation should have its faith pledged, or its operations regulated, by the spontaneous transactions of individuals.

Mr. *Hammersley* expressed himself perfectly satisfied by the declaration of the noble lord, which would, he had no doubt, serve to dissipate a great deal of mischievous delusion.

The Resolutions were then agreed to.

HOUSE OF LORDS.

Monday, February 9.

Petition from Manchester concerning Seditious Practices.] Lord *Holland* apologized to their lordships for troubling them with a few words on a subject which he had not the opportunity of bringing regularly before them. A petition had been transmitted to him, in order to be presented to the House, which he regretted to say he had unfortunately mislaid or lost. The petition itself, and the circumstances under which it was to be presented, were of great public importance. It had been the wish of the petitioners, among whom were many highly respectable persons, that it should be presented to their lordships House in time to be referred to the secret committee. It had been sent to him for that purpose by Mr. Taylor, of Manchester, and he still hoped that he might receive another copy before the committee made their report. He felt it, however, to be his duty, thus publicly to acknowledge his negligence, and express his regret at not being able to comply that day with the wish of the petitioners. Though he had not read the petition which reached him with sufficient attention to recollect its contents, yet, having had access to another petition from the same persons, intended for another place, he was able to state to their lordships its general purport. The allegations it contained were very strong; and coming as they did from persons of respectability, they merited the attention of their lordships. The petitioners stated of their own knowledge, that all the disturbances in that part of the country, and all disorderly proceedings which had attracted the public notice, had been the work of hired spies, informers, and agents of the government. The petitioners had, from their local situation, opportunities of ascertaining the facts they stated, and had made it their business to inquire into and trace the disturbances to their source; but when, in the course of their investigations, they pointed out any individuals as objects of suspicion, they either disappeared from that part of the country, or if carried before magistrates were soon released. He could not vouch for the truth of these allegations, but they were stated by 26 persons of respectable character, who were most anxious of supporting their statements by evidence at the bar of their lordships' House, or before the committee.

HOUSE OF COMMONS.

Monday, February 9.

Chimney Sweepers Regulation Bill.] Mr. *Bennet* rose, pursuant to notice, to move for leave to bring in a bill for the better regulation of Chimney Sweepers and their Apprentices. It was the object of this bill to put an end to the evil so long, so universally, and so justly complained of, as to the use, or rather abuse, of young children in sweeping chimnies. He felt it unnecessary to enter into any detail upon this subject, as the sufferings endured, and the cruelties inflicted, through the practice alluded to, were so fully described in the evidence taken before the committee of the last session, from which committee this bill emanated. The bill was indeed a transcript of that which he had brought forward last year, with the exception only of that provision which related to the total and prompt abolition of the use of climbing boys, and which provision, perhaps, prevented the bill from being carried. He was happy to say that since last year the desire to abolish this odious practice had been expressed at public meetings in all the great towns throughout the country; those meetings unanimously adopting resolutions that the employment of climbing boys ought not to be any longer tolerated, especially as a mechanical instrument was found efficient for the purpose. But who could dissent from these resolutions that had any knowledge of the effects of this barbarous system? Within even the last year, no less than five fatal instances had occurred to show its character. One of these instances in England, and another in Scotland had been attended with circumstances of peculiarly aggravated cruelty. But the masters, or properly speaking, the owners of the unfortunate children employed in this business were rarely susceptible of the common feelings of humanity; but, even if they were, it would be impossible to have the business done without a sacrifice of those feelings. For, from the manner in which chimneys were constructed, especially in London, where with a view to save fuel, the flues were often no more than seven or eight inches in diameter, and consequently, in order to clean such chimneys, it became necessary to employ children of the tenderest age. For that purpose, indeed, children of less than seven years of age were often employed, nay, female children were actually so engaged in some instances [Hear, hear!]. The House and every man of feeling in the country, must naturally be shocked at such a fact; but he hoped that the repetition of it would be effectually provided against. The object of his bill, the hon. member described to be, without disturbing the present apprenticeships, that no master sweep should hereafter be allowed to take any apprentice under fourteen years of age. This was the first step which he proposed to take in a proceeding, which, he trusted, would lead to the total abolition of a practice so revolting to humanity. The hon. gentleman then moved, "That leave be given to bring in a bill for the better regulation of Chimney Sweepers and their Apprentices, and for the preventing the employment of boys in climbing chimnies."

Leave was given to bring in the bill; which was afterwards presented and read a first time.

PETITION FROM MANCHESTER CONCERNING SEDITIOUS PRACTICES.] Mr. Philips stated, that during the absence, and at the desire of his noble friend, the member for Lancashire, he had a Petition to present from certain merchants, manufacturers and others, inhabitants of Manchester, Salford, and the neighbourhood. The petition stated,

"That the petitioners heard with great pain and uneasiness the alarming statements which were currently circulated during the early part of the past year, as to the evil designs entertained by the labouring classes in their neighbourhood, and concealed under the disguise of an anxiety to obtain a reform in the representation of the people; that the petitioners have found themselves obliged to conclude that the impression produced by the statements to which they have now referred, greatly influenced the decision of the House in concurring with the proposals of his majesty's ministers, entirely to suspend some, and materially to abridge other, of the most valuable rights and privileges which Englishmen derive from the bravery and wisdom of their ancestors, and which afford their best safeguards against the encroachments of arbitrary power and the abuses of intolerant party spirit; that although firmly convinced at the period when those measures were proposed by his majesty's ministers to the consideration of the House, that the circumstances of the times did not require, and that constitutional vigilance could not acquiesce in, the suspension of the act of Habeas Corpus and the other restrictive enactments adopted by the House, the petitioners thought it most proper to defer the expression of their sentiments upon this important subject to a period, when the heat of political feeling being somewhat allayed, they might be enabled to examine with maturer deliberation, with more scrutinizing caution, and with more rigid impartiality, the truth of the information upon which, judging from the reports of its secret committees, the House must be presumed to have acted; that the petitioners could not avoid feeling that the character, not only of the towns in which they reside, but of the very populous district that surrounds them, and perhaps even of the county of Lancaster at large, was involved in the charges of disaffection, disloyalty, and treason, which were so lavishly heaped on the most numerous and the most industrious class of its population; that the petitioners take leave to assert to the House, not only that the conduct of the labouring part of their fellow townsmen at that period did not exhibit the slightest tendency to insubordination or violence, but that they sustained an unparalleled extremity of distress with fortitude the most exemplary and heroic; that without stating themselves to concur in the propriety, or to defend the prudence, of all the political conduct of the working classes in their neighbourhood, the petitioners have no hesitation in assuring the House, as the result of their careful and assiduous inquiries, that the proceedings of that part of the population have been completely and most grossly misrepresented; that as far as regards the meeting of the 10th of March, familiarly known by the designation of the blanket meeting, nothing could exceed the quietness and order with which the populace proceeded to it, and demeaned themselves throughout its continuance; that it had been publicly announced several days; that not the slightest intimation of its imputed illegality was given; that no attempt was made to disperse it by means of the civil power, but that, without warning, and, as the petitioners verily believe, without even reading the riot act, doubtful as it is whether under such circumstances that statute could legally be enforced, the dragoons, acting under the orders of the magistrates, dashed impetuously amongst the multitude, and compelled it to seek safety in flight, although magistrates at that period did not possess the discretionary power over public meetings with which the House has since invested them; that between two and three hundred persons, who were proceeding on the road to London with petitions, were, in the course of the before-mentioned day, apprehended and lodged under circumstances of great hardship, in a prison which contained, even before their arrival, nearly three times the number of prisoners it was originally calculated to receive; and that eight of the persons then arrested, who refused to give bail for their future appearance, were committed to Lancaster-castle, and after being detained in gaol amongst prisoners of the most profligate and abandoned description for nearly six months, were at length discharged without trial; that on Saturday the 29th of March public apprehension was most generally and painfully excited, by the appearance of an advertisement issued by the magistracy and police of Manchester, bearing date the preceding day, and in which they stated, that 'Information, on which they could 'place the fullest reliance, had reached 'them of a most daring and traitorous con-'spiracy, the object of which was nothing 'less than open rebellion and insurrec-'tion;' that 'the town of Manchester was 'one of the first pointed out for attack, 'and the moment fixed upon for the dia-'bolical enterprise was the night of the '30th of March;' that as the petitioners could not think it possible that the magistrates or police would wantonly or thoughtlessly trifle with public alarm, by making so horrible a charge on dubious or insufficient grounds, they confidently expected to see such daring and desperate offenders, as those implicated in this 'dia-'bolical enterprise' must necessarily be so supposed to be, brought to early trial and condign punishment, particularly as on the 23d of April, when the examination of the supposed delinquents must, as the petitioners conceive, have brought the evidence against them under his magisterial cognizance, the rev. W. R. Hay, stipendiary chairman of the Salford quarter sessions, did, in his address to the grand jury, allude to the subject in the following terms, 'As judicial inquiries would be 'instituted against the offending par-'ties, it would not be just to enter 'much upon the subject, but he might 'be permitted to say, should such in-'quiries take place, purposes of the 'blackest enormity must be disclosed to the public, and that those who professed 'to doubt their existence would finally be 'constrained to admit the existence of the 'whole of them;' that the suspension of the act of Habeas Corpus being, as appears by the terms of the Bill itself, applicable only to persons 'suspected of entertain-'ing designs hostile to his majesty's govern-'ment,' the petitioners conceive that it was never intended by the House to supersede the necessity of public judicial inquiries into charges of treason, distinct and specified in their character, and of unparalleled atrocity in their complexion; that the petitioners are therefore persuaded that the House will learn with astonishment, that all the persons arrested as participators in this alleged conspiracy have been discharged without trial; and they would farther represent to the House, that if the slightest suspicion of the guilt of the parties still remains, it is most dangerous to the welfare and tranquillity of the country at large, to restore to liberty, and consequently to the capability of doing mischief, men who have connected themselves with a design of such dreadful wickedness! whilst, on the other hand, if there is no foundation for the diabolical conspiracy imputed to them, every principle of justice and humanity imperiously demands that they should be publicly and legally delivered from the charges to which they have been so foully and falsely subjected; that the attention of the petitioners having been aroused by the discharge of these alleged conspirators without trial, some of them have entered upon an extensive and rigid investigation of the grounds upon which traitorous and rebellious proceedings were imputed to the parties taken into custody, and the result of that investigation is a most positive and irrefragable conviction that no such conspiracy existed, that no violent designs were in contemplation, and that no measure dangerous to public tranquillity was ever proposed or discussed at any of the meetings which took place, except by hired spies and informers; that whilst the petitioners are convinced that no effort was left untried by these wicked and detestable emissaries, to ensnare and delude the labouring classes into acts of riot and insubordination, they cannot but think it will be satisfactory to the House, to reflect that the illegal schemes and exhortations of these miscreants, though addressed to men suffering the most distressing privations, have been so eminently and uniformly unsuccessful; that the conviction of the petitioners as to the activity of the spies, in endeavouring to engage persons known to be petitioners for parliamentary reform, in their own villainous machinations, does not rest on general and indefinable impressions; but the petitioners believe that their habitual violence, their endeavours to seduce individuals to the commission of specific crimes, which would deservedly subject them to capital punishments, their officiousness in appointing meetings in different parts of the country, their activity in procuring a large attendance at such meetings, their assumed names, their apprehension and immediate discharge, and their connexion with the magistracy or police, can be clearly and indisputably demonstrated; the petitioners would further state to the House, that during the early part of the last year nocturnal domiciliary visits by subordinate agents of the police, without the exhibition of warrant or authority for such proceedings, during which the greatest abuse and inhumanity was displayed, were of disgracefully frequent occurrence; the petitioners therefore, conceiving that the House could neither foresee nor intend to sanction such proceedings as they have enumerated and that the employment of spies in the manner and to the extent to which it has prevailed in the neighbourhood of the petitioners is pregnant with the most dangerous consequences to his majesty's peaceable and well-disposed subjects, and anxious also to vindicate to the country at large the loyalty and good character of their extensive and populous district, do humbly, but most earnestly intreat that the House will be pleased to institute a strict inquiry into the truth of the matters stated in this petition, and also into the general proceedings, not only of the labouring classes but of the magistracy and police of Manchester and its neighbourhood, during the early part of the past year; and the petitioners do hereby pledge themselves to use the utmost diligence and alacrity in furnishing the House with such evidence as they confidently believe will most fully and completely establish the conclusions they themselves have formed on the subject."

Mr. *Philips* then observed, that it must be obvious that he could not pledge himself to the accuracy of the facts referred to in the petition, and on which it was founded, but he was informed that they had been most diligently and cautiously investigated by some of the persons who had signed it, and particularly by one gentleman, known to him to be a man of intelligence and active benevolence. His own opinion was, that the facts would be proved, on investigation, to be such as they had been reported to him. Before he proceeded to a detail, which he feared would be tiresome to the House, he wished to say that he did not at all mean to reflect on the intentions of the magistrates or municipal officers of Manchester. If they had been instrumental in deluding ministers, and through them the House and the country in general, it was because they had been first deluded themselves; for he had no doubt that they sincerely believed in the representations which they had made. He conceived them to have been deluded by their own spies and informers, and those of the government. The utmost that he had ever said on this subject was, that if the poor people were liable to delusion from their own prejudices on the one hand, magistrates who were treasurers, or zealous supporters of Orange lodges and societies, could not be considered as exempted from the delusion of their own prejudices, on the other hand. He deprecated strongly the encouragement given to such associations, the tendency of which could only be to inflame religious and political animosities, to call into exercise the worst passions of our nature, and to make one class of his majesty's subjects hate and persecute another.—The hon. member here stated, that there had been several meetings, more or less numerous in Manchester and the neighbourhood, before that of the 10th of March (familiarly called the "Blanketeer Meeting"), for preparing resolutions and petitions on the subject of a reform of the representation. These meetings had been very peaceably conducted. To show that the poor people really meant what they professed, namely, to petition for a reform of parliament, with which they had been taught to associate the relief of their own severe sufferings, he stated, that they had in the first instance applied to some persons in Manchester, in a station superior to their own, and begged them to unite in a requisition to the boroughreeve and constables, for calling a meeting for that object. This being declined, and their own requisitions to the town officers being rejected, they called meetings themselves by public advertisement. They did so in the instance of the Blanket Meeting of the 10th of March, which was called by public advertisement, no intimation having been given of its imputed illegality. Their petitions to parliament not having met the reception which they expected, it was proposed to petition the Prince Regent, and to carry up their petitions themselves and to present them in such numbers as the law allows. This foolish proposal was objected to strongly by the generality of those, who, from their superior intelligence and activity, were regarded as their leaders. He did not understand, that, though considered as leaders, they were formally delegated as such. Out of a number consisting of about seventeen, not more than three or four supported the Blanketeer expedition. Of the others, one objected to it in language likely to be misinterpreted with violence by spies and informers, but which appeared to convey very just reasoning. This man said, that "if the people determined on that expedition, of which he attempted to demonstrate the folly, they must make up their minds to one of two things. They must either cut their way sword in hand, for they would certainly be opposed, or if they did not do that, they must submit to be dragged to the New Bailey Prison, where they would as certainly be taken." Another said, that "if none but the most virtuous description of people should set out from Manchester, they would be joined on the road by persons of a different description, who would take advantage of the opportunity of doing mischief, which mischief would be imputed to them, and in its effect injure the cause which they wished to serve." The meeting, however, was resolved on, and took place on the 10th March. The behaviour of the people attending it was peaceable, as stated in the petition. The dragoons (the petitioners state, as they believe, without even having the riot act read), dashed in among the people, seized a number in Manchester, and others towards Stockport, on their road to London, and conveyed them to the New Bayley prison already occupied, according to the representation of the petitioners, by nearly three times as many people as it was built originally to receive. Their sufferings, it is natural to suppose, must have been severe from confinement under such circumstances. Eight of these men who refused to give bail for their appearance, were afterwards sent to Lancaster, and had since been liberated without trial.—The hon. member declared, that although no man was more aware than himself of the extreme folly of this blanketeer expedition, and of its liability to become the occasion of confusion and mischief, he really believed that the poor people themselves, generally, had no other object in it than what they professed. They had, as he had before observed, been taught to look for relief from their severe sufferings, through a reform in the representation, and it was for that reason that they were zealous in the pursuit of it. It might be fortunate that they did contemplate such means of relief; for perhaps the prospect might make them more patient under the extraordinary privations of that period. Some of the poor people, when examined by the magistrates as to their object in going to London, stated, 'that they intended to offer their petition to the Prince Regent, to throw themselves down at his feet, to state their real situation, and to implore relief.—After stating his opinion of this meeting, which he always considered as harmless with respect to the intention of the people in general who favoured this foolish project, he alluded to the other plot of the 28th of March, namely, the reported plot for burning Manchester, &c. The history of this plot could not be understood, without introducing to the acquaintance of the House three spies, who used all the means in their power to collect the people in public and private meetings, to reconcile their minds to schemes of mischief, and to excite them to the commission of the most abominable crimes. These spies were Lomax, Robert Waddington of Bolton, and a man who called himself Dewhurst. The reason why he designated them as spies was, that they were most active in calling meetings, in urging the people to attend them, in running about the country, or sending others, to propose schemes of violence and mischief, such as burning factories, attacking barracks and prisons, and setting Manchester on fire, &c.; and that while the persons, who rejected these villainous proposals with horror, were sent to prison and kept there, these wretches were either not taken up at all, or, if taken up, were liberated the next day. The first person whose proceedings he would state to the House was Lomax. A person of the name of Acres, and his brother-in-law, on their return from Stockport, where they had gone to see some of the blanketeers on their road, went into a public-house (the Ark), and there found this man, Lomax, haranguing some people in a very violent manner, and proposing to send delegates to different towns in the neighbourhood, in order to call secret meetings. Acres repeatedly checked his violence. On going away with his brother, Lomax proposed to accompany them, and on arriving near his own house, he invited them in saying he wished to have some conversation with them. After talking with them for a few minutes, he took a pen, and wrote these words, to which the hon. member wished to call the attention of the House, as they might probably be found in one of the green bags. "England expects every man to do his duty. Arise, Britons, and free your brethren from prison. God save the king." Upon showing what he had written to Acres, he recommended him to throw it into the fire. This he refused, and said he would take it to Ogden to print. He went with it to Ogden's house, and desired his son (Ogden himself having been sent to prison) to print it, but he refused to have any thing to do with it. On the next day (11th of March) Acres was told by Lomax that there was to be a meeting of delegates that day at one o'clock at the Elephant, and was requested to go along with him to it, with which request he complied. They found about thirty or forty people assembled. After some conversation had passed, Lomax said he would go into the room where the secret committee was met, and inform them of the good attendance. Acres asked if he might go with him, but Lomax said he could not be admitted. Beginning to be suspicious of him, Acres was determined to watch him, and having observed what room he went into, he followed him into it, and found, as he says, "the committee secret enough, for it consisted of Lomax alone." Lomax appeared confused, stammered out some excuse, returned into the room where the rest of the people were assembled, and then collected about 17 shillings for the purpose, as he said, of sending delegates to different towns to consult what should be done. He distributed this money among people with whom Acres was totally unacquainted.—Here, the hon. member remarked, the House would probably find the origin and explanation of the secret committee, of which they had heard so much. A villain of a spy talks of and pretends to consult a secret committee, of which there is no existence. On the same day this wretch (Lomax) requested Irwin and George Barton (Acres's brothers-in-law) to attend a meeting that night at 11 o'clock, which was to be held under the Aqueduct, to arrange a plan for setting the factories on fire. They expressed their horror of the scheme, and threatened to inform against him, if he ever mentioned such a thing again. Lomax replied, "We are sure to be taken up, I am at least, and we may as well have our revenge beforehand." The two Bartons mentioned this the same day to Acres, who was confirmed by it in his suspicion that Lomax was a spy. On the evening of the same day this wretch went to Oldham, and on his way gave a person at Hollinwood *2s. 6d.* to show him the house of one John Hague there. On his arrival, Hague was not at home, and Lomax was anxious that he should be sent for, and expressed great disappointment on finding that his family did not know where he was. He said, "he must see him, for that something very particular was to happen that night." Being asked what it was, he replied, "Manchester will soon be set on fire, and the factories will blaze within two hours as a signal." The people supposed that he was mad. On going away he met Hague in the street, with some other persons, and told him in their presence, that he must summon his committee immediately on business of importance. Hague asked, "what business ?" he replied, "You must come armed,—we are going to set fire to the factories at Manchester,—release our friends from the New Bayley prison, and seize the Barracks." Hague exclaimed, "That fellow is a rascal; come away from him men, or he will bring you into a scrape." Finding that he could not seduce them into mischief he went away. This wretch Lomax, was not contented with attempting himself to lead people into the commission of crimes, but he sent emissaries round the country to do the same thing. On the same day (11th of March), a person called on Healey and Bamford, at Middleton, and said he was sent by Lomax to make an important disclosure to them. They sent for some other persons to be present, and upon promising secrecy, he told them "it was intended to set fire to the factories, and release the blanketeers from prison that night, that they must muster the Middleton people, and come armed to St. George's-fields, where they would be joined by a division of the Manchester people." Upon expressing their horror at the scheme, and refusing to concur in it, the young man seemed greatly alarmed, lest they should inform against him; but they let him go, supposing him to be merely the tool of Lomax. Though rejected wherever he went, this villain, Lomax, seemed still to persist in his proposals of mischief. About the 24th of March, he went to two men, named Charles Wollen and Joseph Tapley, and requested them to walk with him as far as Mr. Eccleston's factory. When they got there, he produced a rocket, tinder, flint, and steel, and wanted them to set fire to the factory; but they refused to be concerned in any such diabolical business, and left him. He afterwards went again to them, and urged them to go with him to Mr. Potter's factory, and he himself would set it on fire. He produced a crow-bar, which he said was for the purpose of forcing the window shutters; but they refused to have any thing to do either with him or his villainous project.—The hon. member remarked, that it seemed to be the plan of these spies to reconcile people's minds to mischief by repeating the proposal of it. One object they did accomplish, namely, that of making some people believe that there was a scheme in agitation to burn Manchester, because so many persons had heard of it. This circumstance had been stated to the hon. member himself, as a proof of the existence of the reported conspiracy. The facts which he had detailed would explain both the origin and progress of the rumour. Mr. P. stated, that Lomax did not, himself, attend the meeting of the 28th of March, when the persons charged with being partakers in this incendiary plot were arrested and taken to prison; but though absent from the meeting himself, he sent other people there. He was, however, arrested that day, and liberated the next; while the people who had rejected his infamous proposals were confined for a considerable time in prison.—The hon. member, after dismissing Lomax, stated, that another of the spies, who called himself Dewhurst, having been seen in sir John Byng's gig, was challenged with the fact, which he admitted, stating, that he had come with sir John Byng as his servant, from London, where he had been desired by the reformers to act as their delegate. This man took every opportunity of becoming acquainted with those whom he heard were advocates for parliamentary reform. He introduced himself to one Sellars, a cutler, by offering a knife handle to have a blade put to it on two successive days; and by pretending to be a friend to one Benbow, then in confinement, to whose wife he desired Sellars to give a shilling for him. Perhaps these knife handles, which Sellers was to put blades to, might account for the rumours of instruments of destruction being in the possession of the disaffected reformers. This man (Dewhurst) availed himself of an opportunity, of becoming acquainted, on the 17th of March, with one Nathaniel Hulton. Finding that Hulton was a tailor wanting work, Dewhurst told him that he was a tailor also, and would give him work if he would go with him that day to a meeting to be held at Middleton. Hulton went with him. In their way they called at Sellars who accompanied them with another man. The meeting, which consisted of ten or twelve persons, was called for the purpose of raising money to support the families of the men who had been imprisoned, and for feeing counsel for them. No regular business was transacted, and no chairman appointed, but two or three people together seem to have talked to one another. Dewhurst, Mr. P. said, was overheard recommending at this meeting some measures of violence. As the meeting consisted of so small a number, it was resolved to have another on the 23d, at Chadderton, in the neighbourhood of Middleton. Hulton went there with Dewhurst, who treated both him and another person, in order to induce them to accompany him. The meeting being so small, and no money being subscribed, Dewhurst appointed another meeting for the 28th of March. "This," he said, "was being too kind to the country people; they ought to have come after dusk, as they themselves had gone to Middleton."

Hulton declares that he has often heard Dewhurst, when talking with other people, assert, that "now" (meaning, no doubt, after the imprisonment of the blanketteers) "nothing but physical force would do." Possibly these expressions may be found reported in some of the green bags, for they have been often alluded to. On returning from this meeting, Hulton heard Dewhurst say to another person, that he knew where there were thousands of guineas in Manchester, and he could take them all, and he would soon be out of the country, if they could not pull through." He added, "that there was an old lady who lived alone, and had a great deal of silver plate; he wished he had it; he would then melt it down, and set things a going" Upon Hulton's remonstrating with him, he pretended it was all a joke. Thus (said Mr. P.), when these wretches find that their infamous schemes, instead of meeting support, only excite horror, they practise on the simplicity of the poor people whom they wish to ensnare, by representing themselves as having been all the time in jest. One of the objects of Dewhurst and Robert Waddington, was to give an air of secresy and mystery to meetings whose purpose was open and avowed. They agreed to give to different people pieces of paper cut in a triangular form, and corresponding with each other, on the production of which the bearers were to be admitted into their meetings. Dewhurst having learned from Sellars that he had determined himself not to attend any more meetings, and to dissuade his friends from attending them, in consequence of hearing that spies were proposing schemes of mischief, sent Hulton to Middleton to invite the people to attend the meeting which he had appointed on the 28th of March. He gave him a shilling for his expenses, saying, "I am a ruined man, I have but one shilling in the world, but I will give it thee." He added, that it was very hard, after he had spent so much money, that the people would not come forwards, and attend meetings. Hulton went to Middleton, and saw Waddington there, who said the people did not much like coming, but they would come once more.—Here the hon. member remarked, the House will observe, that when the people were beginning to tire of public meetings, the spies used all the means in their power to prevail on them to attend them. Waddington pursued the same course. He went to Tylexesley, Chowbent, &c. to urge the people there to come to the meeting, and told Hulton, on the 28th of March (to use his own words), that "they were such d—d soft fools, they durst not come forwards. He wished they would but join the Bolton people, and they would soon level Bolton, for he knew where the soldiers at Bolton, put their arms at night, and could take them all himself." The meeting of the 28th was appointed at the Royal Oak, but Dewhurst thinking most probably, that the people might be more easily arrested at the George and Dragon, at Ardwick, proposed that those already assembled should go there, and he would remain to take the rest. Robert Redeings came there at the desire of the Failsworth people, to protest against any violent resolves, or proceedings. This he told to Dewhurst, who attempted to persuade him to pursue a different course. Dewhurst said, that "Nathaniel Hulton had been to view the barracks, and the New Bayley prison, and had laid down a plan by which they could be taken without difficulty or loss." These plans he offered to show to Redeings, who refused to look at them, saying, that the Failsworth people would have nothing to do with any such scheme. The very same night, this villain Dewhurst gave these pretended plans of Hulton's to another person (who luckily for himself threw them afterwards into the fire), saying, that "they came from lord Cochrane, sir Francis Burdett, and major Cartwright." Soon after Redeings had gone to the George and Dragon, and Dewhurst had ordered them all into one room, Waddington began to talk with him, and to urge the plan of burning factories, of which Redeings expressed a just abhorrence. Waddington then said, "It is now time I should tell you my information; I have a letter from London this morning, and all the people in that neighbourhood are up. There are 80,000 at Chalk-farm, 100,000 at another place which he mentioned, and 60,000 or 70,000 at a third." Redeings said, he did not believe a word of it, on which Waddington declared, "there were many letters in town to the same effect." He affected to rummage his pockets, and to look for the letter, which he said "he had left at home." Redeings said, "it did not matter, he would not believe it, whatever letters he had, for he was sure they were all forgeries." Soon after this, Dewhurst being accused of being a traitor, left the room, saying he would go and light his pipe. One person exclaimed, "I know he does not smoke." Upon his disappearance, the police officers came into the room, and seized them all. Waddington was seized along with the rest, and liberated the next day. Some persons having seen him in prison, or in his way to it, stated the fact, and were threatened with actions for defamation in consequence. Attempts were also made to induce them to retract what they had said, but there were too many witnesses to the fact, and Robert Waddington, of Bolton, is now publicly known as a convicted spy and informer. Here Mr. P. read the hand-bill published by the magistracy and police of Manchester, dated the 28th of March, in which they state, that "information, in which they can place the fullest reliance, had reached them, of a most daring and traitorous conspiracy, the object of which was nothing less than open rebellion and insurrection." "The town of Manchester was one of the *first* places pointed out for attack, and the moment fixed upon for the diabolical enterprise was the night of Sunday next, the 30th instant." Eleven men, including Waddington, were arrested at the meeting of the 28th. Sunday the 30th, Manchester and the towns supposed to be pointed out for attack were perfectly tranquil. Wakefield, the hon. member believed, was one of them. Notice of this dreadful conspiracy had been sent there, and one of the magistrates being consulted as to the proceedings to be adopted, stated his conviction, that all preparation to resist attack was unnecessary, for he was sure no attack was meditated. He however recommended the propriety, in deference to the information received, of being prepared without making any demonstrations of preparation. No such demonstrations were made, and no disorder ensued, because none had ever been meditated. The same, Mr. Philips said, would, he had no doubt, have been the case in Manchester on the 30th, if not a man had been seized on the 28th. The seizure of eleven men, the spy included, was not a cause sufficient to account for the entire tranquillity of Manchester and the other towns, if the alleged conspiracy had ever really existed. If such a wide-spread conspiracy had been prepared, there would surely have been some tendency to disturbance either in Manchester or somewhere else; but after all, the rumours of treason and rebellion, not even a breach of the peace occurred.—Mr. Philips stated, that on the 23d of April, the rev. Mr. Hay, stipendiary chairman of the Salford quarter-sessions, alluding to this subject in his charge to the grand jury, made use of the following words:—"As judicial inquiries would be instituted against the offending parties, it would not be just to enter much upon the subject; but he might be permitted to say, should such inquiries take place, purposes of the blackest enormity must be disclosed to the public, and that those who professed to doubt their existence, would finally be constrained to admit the existence of the whole of them."—The magistrates, in their hand-bill dated the 28th of March, declare the existence of a daring and traitorous conspiracy. The chairman of the quarter session, on the 23d April, after time had passed for due examination, re-asserts the fact, and uses terms implying almost a disbelief of the possibility of any man's honestly doubting it. Yet no conspiracy has been proved, nor has any conspirator been tried, though every one of the persons arrested have been liberated. If there be any suspicion of their guilt, how great must be the danger of returning to society, men implicated in such enormous crimes. If they are not guilty, let them be, as the petitioners require to be, publicly and legally acquitted.—Here the hon. member, after apologizing for so long detaining the House, concluded by moving, that the petition be brought up. He then stated his intention of moving, on some early day, to refer it to a committee.

The petition was ordered to be printed.

TREATY WITH SPAIN FOR PREVENTING THE SLAVE TRADE.] The House having resolved itself into a committee, to take into consideration the Treaty with Spain for preventing the Slave Trade, [See p. 67.]

Lord *Castlereagh* said, that in introducing the Treaty to the attention of the House, and in proposing a resolution which should carry its purposes into effect, he could not avoid calling to their recollection their own recommendation to the throne at the end of the last session. It was in strict conformity to that recommendation that those treaties were framed; and he felt confident that the House would be satisfied of their object and effect being most beneficial. What a considerable alteration had been effected in the progress of this great moral question since the period to which he had alluded! It would then have been impossible for the most sanguine to anticipate that, in the short period of the interval that has since occurred, his majesty's government, under whose special protection it was left by the legislature, would have been enabled, not alone to extend the principle of the abolition, but to obtain the co-operation of all the states of Europe, by common regulations, to prevent the possibility of any illicit traffic to the northward of the Equator. In looking at this subject as it now presented itself, he thought he could do nothing better than lay before the House, the state of the abolition at the close of the last session, and then show what had been done since that period. He begged the House to bear in mind that there were two distinct questions involved in this subject. First, What was the actual state of the abolition as a great international law? Secondly, what was its state with a view to giving effect to the whole principle on which it was founded? He would first show the state of the law on this subject. Great improvements were made in the law from year to year; but in no year was the improvement greater than in the last year. To prove this at once, he had only to state, that all the crowned heads of Europe, except Portugal, so far as the south of the line was concerned, had either abolished the slave trade, or entered into stipulations for its abolition at some future period. The House would agree with him, that our own abolition of the trade, and all our enactments against it were nothing, unless we exerted all our power and all our influence to put an end to the trade among other nations. There was, however, no other power whose continuance or discontinuance of the trade was of more importance than the power with whom the present treaty had been formed. When he recollected the disappointment felt by the House at the continuance of the trade by France for a period now nearly elapsed, when he recollected how strongly this disappointment was felt and expressed, he was assured of the satisfaction it must give the House to find Spain, infinitely the most important of all the European powers in this view, both for local authority and extent of colonies, stipulating for the final abolition of the trade. While Spain carried on, and protected by her trade and her flag, this traffic both on the northern and on the southern coasts of Africa, all that France, Holland, and the other powers of Europe could do for the abolition was nugatory. There was no slave trade now to the north of the line: it could be carried on by possibility only to the southward of the line from May 1820. After that period there could be no slave trade to the north of the line: there could be no slave trade carried on with the West Indies. Till this treaty was effected, the legal and illicit trade were so mixed up that the one gave ample protection to the other; but now there was a broad line of demarcation.

There was a wide practical distinction between the abolition by treaty, or by the act of any particular state, and the giving effect to the principle of abolition. The congress at Vienna, if it had no other ground of merit or distinction, was entitled to the gratitude of mankind on this subject; for there all the great powers of Europe made a declaration which stamped the slave trade as disgraceful, and made every state anxious to get out of it as soon as circumstances could conveniently admit of its doing so. The disgraceful practice and the unmanly theory of this trade were from that moment denounced. But, though much had been done at the congress of Vienna (and indeed if nothing more had been effected than the very character the parties to that congress affixed to the prosecution of this traffic, a great moral triumph was achieved, inasmuch as it imposed upon those states, who, from various suggestions of policy, were averse to an immediate abolition, to escape from a course thus solemnly declared to be inconsistent with the dictates of morality and justice); yet still it was painful to state, that from the encouragement which such a traffic held out to the sordid passions of desperate men, neither international conventions, nor municipal law, could have extirpated the evil, so long as a contraband traffic might be carried on under the cover of the flag of any of the nations of Europe.

If this illicit slave trade did not extend itself as far as at any former period, it carried greater cruelty and malignity into it. The peril, the alarm, the violence of the illicit trader inflicted cruelties unknown when the more humane regular trade was concerned. In this state of the trade, more disgraceful and more painful circumstances occurred than before. We had no reason to complain of any government on this point of the subject, for no government gave any encouragement to this illicit trade carried on under its flag. To France, in particular, he must do the justice to say, that she had done every thing in her power to check this illicit trade under her flag. The illicit traffic arose out of the partial abolition, and out of the facilities that the cessation of belligerent rights, in consequence of the peace, created. It was infinitely more easy in peace than during war. In the time of war, this country had extensive possessions in several parts of the world. No man would say, that we ought to have retained these in our hands for the purpose of excluding slave traders. In time of war our ships had the right to search neutral ships, and this, too, was a great check. He admitted all these difficulties as they had actually existed. We had now, however, by the conclusion of the present treaty, arrived at the last stage of our difficulties, and the last stage of our exertions. One great portion of the world was rescued from the horrors of this traffic, aggravated as it must be by contraband speculators. For the first time, he believed, in diplomatic history the states of Europe bound themselves by a mutual stipulation to exercise the right of visit over their merchantmen, with the view of giving complete effect to the same laudable object. They felt on the adjustment of these regulations, the difficulties with which they were surrounded—they narrowed the operation so as to avoid all grounds of complaint arising from a wanton exercise of them. Aware that no independent state would consent to any unjustified interference with its flag, they contracted that no visit should be made by a naval commander, without his having special instructions for that purpose, and that detention should not take place, unless slaves were actually found on board. The power with whom the present treaty was contracted, afforded by its flag more protection to illicit slave traders than any other nation. This resource was now taken from that baneful evil. The House must be perfectly sensible of the jealousy which was felt by every maritime power, and of the prejudices that were always created by every proceeding which bore the appearance of an encroachment upon an independent flag. It was due to Portugal and to the zealous exertions of its representative in this country to state that, after a long negotiation that power was the first to concede the right of visit, under certain arrangements and regulations to other nations. A sum of money had been paid to that power by virtue of a treaty similar in principle to the present, and the consideration for which was made up of this concession, and of an indemnity to claimants for restitution against British captors. The Portuguese government had been, however, at that time called upon to determine at what period it would be prepared to adopt measures for the final and entire repression of the slave trade. These representations on our part had been discontinued with increasing success, aided by the favourable disposition and exertions of the Portuguese resident at the British court; and a treaty had at length been signed by which a certain period was fixed for the total abolition of this evil. The ratifications had not yet been exchanged, but it gave him satisfaction to communicate, that he had received an official notice that it had been approved of by the government, and that the ratifications might be immediately expected. The House would thus see, that a disposition had been unequivocally evinced on the part of Portugal to abandon the traffic in slaves altogether. But it was obvious, that this desirable result could not have been brought about without concessions founded upon a principle of reciprocity; and that, whilst we, as acting in the discharge of a duty, claimed the right of searching Portuguese vessels, for the purpose of detecting an illicit trade, we necessarily subjected ourselves to a counter-claim of the same nature.

The prudential inference from this admission of a reciprocal right was, that it must be for the interest of both parties to place the exercise of it under such regulations as should provide against vexatious disputes, and be so plain and intelligible, that it must be difficult for questionable points to arise in the ordinary course of executing the laws upon this subject. It was, there could be no doubt, desirable that the grounds of detention should have been made more extensive; but he apprehended that the policy of narrowing the exercise of this authority to some particular and palpable cases would appear to be no less manifest. By the present treaty of regulation, no detention under the newly stipulated right of search was to take place, except in the case of slaves being found actually on board. There was reason to apprehend, in carrying this right to any further extent, the origin of so many doubtful acts involving questions of a high and difficult nature, that this apprehension alone appeared to him to prove satisfactorily the prudence of such an arrangement. There was, however, another special reason for appointing this limit to the principle of mutual interference. It was necessary that all nations should have an equal right of discovering the illicit practices carried on by the subjects of each other; and he could assure the House, that it would be a great error to believe, that the reproach of carrying on the slave trade illegally belonged only to other countries. In numberless instances, he was sorry to say, it had come to his knowledge, that British subjects were indirectly and largely engaged; and it was reasonable to suppose that there always would be sordid individuals, who would pursue their own interests under foreign disguise, and by the most criminal means.

He wished to see the power of abolishing this illicit trade to be as universal as the law itself. He hoped he should hereafter see the spirit of this universal law wrought into the moral feelings and habits of the whole of Europe. But this effect could not be expected to follow immediately upon the promulgation of the law; some time must be allowed to elapse, as we all knew it had been allowed to elapse in this country after the abolition, before the mind of the public could be prepared to regard it in that view which was now generally entertained respecting it by other powers. The object, therefore, of narrowing the right of detention within the limits he had described, was that of inducing all the different states of Europe to enter into a common system in that form which was most consistent with their own safety, and to which they would have the smallest difficulty in consenting. The absence of that full moral sympathy to which he had alluded, was not the only obstacle which the situation of Spain and Portugal had presented to the exertions of his majesty's ministers for the accomplishment of this end. They were powers whose territories comprised a vast extent of colonial coast, the superintendence over which was not within the reach of any administrative functions which had hitherto subsisted. With regard to France, he believed that, when the decree of abolition was passed by her government, it was intended to be carried into effect in the largest sense in which that term could be understood. Whether the law had been effectual was a distinct question which the French cabinet was now engaged in considering, together with the expediency of acceding to those arrangements which had at length been concluded between Great Britain and the courts of Portugal and Spain.

On the subject of making the traffic punishable as a crime, he must observe, that this country was the first to set this example. Portugal had the credit of being the first to imitate it, and the Spanish government had the same purpose in contemplation. But even after these legislative penalties should have been enacted, there would still remain a great and obvious danger if the flag of one nation were to be considered as the unique protection against the cruizers of every other. Unless therefore some arrangement were made on the subject all the efforts to destroy the trade would prove abortive. If the abolition of the trade in slaves was of infinite importance to humanity, those regulations by which alone it could be effectually accomplished were ten times more so. We should not do our duty if we stopped short with declaring the abolition of the trade, and refrained even from subjecting ourselves to inconveniencies wholly to suppress the evil. A rational hope might be entertained that the different states of Europe, by combining their efforts and their rights, upon the same general arrangement, and in pursuit of the same end, might ultimately succeed in preventing the flag of any one state from being abused as a cover of their crimes by the subjects of another. Without some system thus efficacious and universal in the principles which it recognized, the House, he thought, would agree with him that they should only have exchanged a regulated for an illicit trade, and that the abolition would only have caused it to be carried on in a more malignant form, and tinctured with a deeper character of atrocity. It was not merely important to obtain a recognition of the principle fully established by the treaties under consideration—he meant the principle of a mutual right of visit—but it became necessary to stipulate also the means of adjudication in cases of detention under the exercise of this right. No independent power could be expected to allow that the property of its subjects in the time of peace should be seized and condemned to the extent of confiscation by the judgments of a foreign tribunal. Yet it was obvious that to leave all such cases to the decision of that court to which the party captured would choose to resort, and which would naturally be that of his own country, would be far from satisfactory. There was equal inconvenience to be apprehended from appointing a tribunal in the country of the captors, and in the country of the captured. The question thus arose, whether some tribunal of a mixed nature was not that which was best calculated to conciliate confidence; and the example of the one appointed by the treaty of France for the determination of colonial claims, afforded an encouraging belief that similar institutions would not operate unsuccessfully in this instance It had appeared to him to be the best mode which had suggested itself of bringing such questions of forfeiture as should occur to an amicable as well as a just determination. All these arrangements, he could assure the House, had been the work of much time, and of protracted negotiation. That negotiation had continued in progress nearly three years, in consequence of the many difficulties which it was necessary to surmount, although the ability and diligence of sir H. Wellesley in pursuing them, and of Mr. Vaughan, the minister at the court of Madrid in his absence had entitled them to the esteem and gratitude of the country. The House might estimate the difficulties with which the court of Spain had to contend on the subject by those which had impeded the progress of the abolition in this country.

In return for the advantages and concessions at length obtained, the House must of course have expected that some claim of compensation would be advanced by Spain. He might, however, assure them, that the difficulty had not lain in the disposition of the Spanish government so much as in the prejudices naturally entertained upon this subject amongst a commercial and colonial people. It was impossible for the government, without doing an imprudent violence to those prejudices, to have terminated the negotiations at an earlier period. With reference to the pecuniary compensation amounting to 400,000*l*., which it was stipulated by one of these treaties Spain should receive, he had to state, that so far was this from being the only motive on the part of the court of Spain for acceding to the treaty, that the Spanish merchants at the Havannah had offered five times the amount for the privilege of still continuing it. The House had had some experience as to the general nature of this subject, and former discussions had established certain criteria by which it was now necessary in justice to estimate it. On one occasion, which the House must well remember, when his majesty's ministers were pressed to disclose what was the state and course of the pending negotiations on this subject, he had stated that an offer had been made on the part of the British to the Spanish government of the sum of 850,000*l*. upon the conditions contained in the treaties now concluded, together with a loan of 10,000,000 of dollars, in consideration of an immediate abolition; and that this offer had been refused. Not a voice was then raised in parliament to disapprove of this offer, as excessive or impolitic. Some members there were whom he now saw in their places, who declared their persuasion that it was vain to expect that Spain, however she might negotiate, would ever finally consent to a treaty of abolition. He hoped that, with these recollections, the House would take an honest view of this question, and not shrink from the limited pecuniary sacrifice which they were called upon to make. He had already said, that it did not grow out of any aversion before entertained by the Spanish cabinet to the measure at length happily adopted, though unquestionably the sentiment declared at the congress of Vienna had carried its influence to every court of Europe. The government of Spain had referred the question to the council of the Indies, whose decision admitted the principle of abolition, but under such qualifications as rendered it impossible to view it immediately as a question chiefly of moral feeling. It was undoubtedly true that his majesty's ministers felt not a little embarrassed in their recent negotiations with the Spanish government, by the magnitude of the offer which the British government, encouraged and sanctioned by parliament, had formerly made to Spain. When that offer of 850,000*l*., and a loan of ten million of dollars was made to Spain, he did not recollect that a single hon. member characterized it as improvident. But however that proposition might have been thought wise at the time it was made, he repeated, that it was a millstone about the necks of the British government in the late negotiation. His majesty's ministers had been obliged to represent to the court of Spain, that since the offer to which he had adverted England had fought in the cause of the world, and that, having achieved its safety, it had been rendered unable, by its efforts, to expend the sum originally proposed; and therefore, that Spain must confine its claims within narrower limits. In the course of the protracted negotiation that ensued, the reduction had been made which the treaty exhibited; and if the whole of the discussion was before the House, it would appear that ministers had obtained the best terms they could. It was stipulated that the 400,000*l.* should be paid in one entire sum, and that that portion of it which was to indemnify claimants under illegal captures should be paid to the Spanish government in the first instance, to whom the claimants would then have to look for satisfaction. This last was the course adopted in the Portuguese treaty, and appeared the more proper, as the claims in question were not upon the British government, but upon the captors. It had been requested that arrangements and regulations should be made, by which such claims might be substantiated as might be considered just, and that such compensation as was thought advisable might be given for all losses that would be sustained. Claims were made, and claims to a very large amount indeed, which they were, however, induced finally to withdraw. The articles were, in consequence, altered to the state in which they now appeared. Under all circumstances, then, he trusted that the sum which had been agreed upon had been made as low as possible, and that it went, in reality, very little if at all beyond what the general justice of the country might be supposed to afford. Indeed, it seemed to him, that the affair could not now take another course.

There was one objection which might be urged against this transaction, and that was with respect to the mode in which Spain might perhaps appropriate their money. He trusted, however, that this important subject would not in any way be mixed up with the great question of South America. He should most earnestly deprecate any mixture of so great, so distinct a question with the matter now under consideration. And if the government of Spain had shown every disposition to favour this country as far as was consistent with their interests, if they had made great concessions to sound principle, and brought themselves to that situation that they really manifested a desire to meet the feelings of this country, it was nothing more than justice that we should show a cordiality towards that government, and whatever we might do, above all things, we should betray a disposition to show them that we gave them full credit for every thing they had done to advance our plans, and that nothing should embarrass this great bond of union which was now existing between the two countries. Upon the question of South America, he thought that was one of too great magnitude to be discussed incidentally with what was at present before the House. Indeed, he did not think the House could enter into such a discussion for another reason—they had not information sufficient about that country to enable them to consider its bearings upon any question; they did not know precisely the situation in which it stood. That was a question indeed that involved too many great principles for any man hastily to discuss it, and all the complicated policy with which it was connected. He trusted that there was nothing to excite any adverse feelings on the part of any gentleman, but that they would all allow that it was wise and proper to enter into such a treaty; that it was liberal and just; and that under those feelings they would not mix it with grounds which could not properly be discussed till they were fully understood. On the whole he hoped that there would be but one feeling of gratitude to Spain for an exertion which was so much to her honour, and to the benefit of the world—an exertion, he said, for it was a great exertion on her part. He trusted that when that one great effort had been made, no difference would arise between the governments, but that it would be seen and understood; and that Spain intended not only to abolish the slave trade as far as she was concerned, but to effect what would be in fact its complete annihilation. It was evident that it could never have been abolished but for Spain; for though the traffic might have been excluded from our own colonies, and from parts with which we were intimately connected, as long as the Spanish flag should float on her foreign possessions, it would be kept up there, in all the southern provinces of the United States, and in the whole of that depôt to which those who employed themselves in such transactions would constantly resort.

He did not know that he had any thing farther of importance to state to the committee, but he was glad that we might congratulate ourselves upon our drawing so nearly to the close of so infamous a traffic. We had one satisfaction—all had been done that was in our power. It was well known how great had been the exertions of the country on the subject. With respect to regulation and treaty, the exertion of that principle had been commenced, and he hoped we should soon see the good effects of the proceedings; although he would not say a word that might prejudge the deliberations of the powers who were now considering the best means of regulation for carrying this desirable object into effect. He was persuaded that no effort would be wanting on their part for the purpose; and whatever repugnance this and other countries might entertain to any interference with their maritime rights, he was persuaded that the strong moral feeling which the present question must necessarily excite, would overcome all prejudices of that nature, and that all nations would become united in the same sentiment with regard to the destruction of this trade. Under these circumstances he should move, "That provision be made for carrying into execution the Treaty between his Britannic Majesty and his Catholic Majesty, signed at Madrid the 23d day of September 1817." And if the House should be of opinion that his motion was such as ought to be entertained, he should move for a bill or bills to be brought in in pursuance of that motion, and when the House went into the committee of supply, should move a resolution for a sum of 400,000*l*., in consequence of the provisions of those bills. In this, as in all proceedings of a similar nature, it was for the legislature to complete the work. The Crown could only take steps subject to the disapproval or confirmation of parliament. But he did hope, that when the great extent of the benefit that would be conferred was put in comparison with the money that was to be paid, or the inconvenience that might be incurred, parliament would not fail to set an example to all the countries of Europe, and to show, that that power which was so great in point of maritime rights, was the first to submit its flag and those rights to such interference as might prevent them from becoming the cloak of crime and immorality, and of those principles which were now become universally and justly detested by the world.

Sir *Gilbert Heathcote*, much as he sympathized in the deplorable situation of those whom it was intended to rescue from slavery and suffering by the measure under consideration, could not help regretting that a vote for so considerable a sum of money should be proposed by the noble lord at such a period. He could not but reflect in what a condition many of his fellow-countrymen were at that moment, and how much might be done for them by the money that was now proposed to be granted to a foreign court; and to a court, and when he said it, he did not mean to offend any party, to say nothing more of it, which was not the most popular in Europe. He was of opinion that the 400,000*l*. might be much more advantageously distributed in this country. It would furnish the means of giving to 8,000 individuals the sum of 50*l*. each. To him it appeared to be false humanity to be thus seeking for foreign channels of disposing of our money, however benevolent our intention. Nor did it appear to him that Spain had the power of expediting the abolition of the slave trade to the extent desired. Without touching on the subject, the discussion of which at the present moment the noble lord had very properly deprecated, he might say that the revolt of the Spanish colonies in South America was notorious, that several of those colonies had established their independence, and that probably the whole of Spanish America would eventually be emancipated. What would then be the situation of Spain with reference to colonial possessions? Those possessions would be confined to Cuba, and to the Spanish part of St. Domingo. We should in that case therefore be purchasing humanity at too dear a rate. He was astonished that his majesty's ministers could advise the Prince Regent to accede to such a treaty at such a time. Whether in peace or in war the people of this country were, it seemed, to be goaded into madness by incessant demands on their pockets. It was impossible that we could thus continue to be the general paymasters of Europe. If we were to be compelled to pay money for any phantasy which might enter into the head of any monarch, he could not see how it would be possible to make the income of the country meet its annual expenditure. He was surprised that ministers were not impressed with the necessity of discontinuing so profuse a system of policy. He hoped, however, if the practice was in this instance to be submitted to, that this would be the last payment, and that a strict line of economy would in future be acted upon. If the House wished to regain a part of that public confidence which they ought properly to possess (and of which they had lost much of late years) it would be by well considering grants of the same kind with that now before them: and if they wished to be in the situation of a great and powerful nation, it would be by acting up to the principles of the constitution, and making themselves guardians of the public purse. He was fully aware that the final abolition of the slave-trade had many zealous and able advocates; and he could only say that it was in his opinion most detestable, and no man more desired than himself that it should be abolished in every quarter of the globe. He saw one hon. gentleman who had been the most able supporter, and almost the cause of the abolition, who would, he hoped, be remembered almost to the end of time, at least in this country, the seat of his exertions. But notwithstanding he was so complete an advocate of the abolition, he could not but think that there required some care and precaution before the repeated demands upon the country were complied with. He hoped, as he had said before, that the present would be the last. When so many had stood foremost in support of the just prerogatives of the crown, he hoped that that House would be alive to the feelings and the sufferings of the people, and would therefore keep a vigilant eye upon the acts and proceedings of the government; because to make professions of economy without practice was doing very little for the country. He wished that the House would consider what they were about to do; the grant they were called upon to make would at once add 20,000*l.* to the national expenditure, as interest for the 400,000*l.* that was to be paid to Spain in consequence of the treaty. There was a maxim that one ought to be just before one was generous, which was very applicable to our present situation. If the coffers of the country had been full, he should be willing enough to give the noble lord even a million of money if he wanted it; but now the coffers were empty, we could not afford unnecessary expenditure, and he was averse to granting 400 pence to any potentate in Europe. Were he to follow his own inclination, it would be to move an address to the Prince Regent, praying that that part of the treaty which regarded the 400,000*l.* should not be carried into execution. But as it was, he should be satisfied with having entered his protest against such a grant.

Mr. *Wilberforce* confessed his surprise at the observations of the hon. baronet. He was persuaded that the House would think that the sum of 400,000*l.* could not be better expended than in the way proposed. As to the proposition for granting 50*l.* each to 8,000 individuals in this country, the hon. baronet forgot that if the 400,000*l.* were not voted for the purpose under discussion, it would not be voted for any other. Instead of 8,000 persons, however, among whom this 400,000*l.* might be divided, or on whom, to take another view of the subject, the expense was to fall, the whole population of the empire ought to be calculated upon, and it would then appear that the relief in the one case, and the burthen in the other, amounted to two-pence half-penny a man; and the question then was, whether for such a consideration, a national object, an object of such unquestionable humanity, an object so connected with the character of the country, should be abandoned. One thing was perfectly clear—that the hon. baronet's proposal could not be adopted, and that the treaty (and with it all hope of the extinction of the slave trade), must be wholly rejected, or that it must be accepted with the pecuniary stipulation under consideration. As one most seriously interested in the abolition of the slave traed, he must say, that he thought the noble lord entitled to his warmest gratitude for the efforts which he had made during a long course of diplomatic attention to the subject, and for the successful issue to which he had eventually brought those efforts. The hon. baronet was taking a very incorrect view of the subject indeed, if he thought the payment of the sum stipulated so much money lost to the country. Supposing that we were really determined to effect the abolition of the slave trade, without the treaty, there could scarcely be any thing more likely to give rise to disputes between this country and others, and a single armament would cost more than the whole amount of this very sum. Nor could he exclude the idea, that we should one day form with the country, to which we were hitherto known only by our guilt, a commercial connexion, that would do much more than repay us for any pecuniary sacrifices which our disposition to atone for that guilt might induce. He was sanguine enough to believe that he should himself see this country beginning to derive the greatest advantages from its intercourse with a people no longer classed with the beasts of the field, but invested with the moral dignity that was the undoubted attribute of all human beings. At that very moment there was on the coast of Africa a free community of from 10 to 12,000 men, chiefly Africans, living under the influence of the British law, and advancing rapidly in the path of civilization. It would be an interesting, and striking, and glorious scene, if we should form a connexion with the interior which would more than compensate for all the trouble and expense of our exertions. The negotiation which led to the treaty now under the consideration of the committee, had been a very protracted one; he was persuaded that its favourable termination arose in a great measure from the foundation laid at the congress at Vienna, and he congratulated the British government on having, in conjunction with the other great powers of Europe, established those principles which had led to so important a result—It might be necessary for Spain to make great sacrifices to her subjects in order to carry the proposed intention into effect.—The simple question was, " Shall the slave trade be abolished, or shall it not? If that was resolved in the affirmative, it would not be found enough that we had ourselves declared for its abolition. It was also neeessary that we should arrange with other states the means by which that abolition might be secured. He hoped to see the day when all the powers of Europe should act in concert on this subject, and when the slave trade should assume its real name and character, be called nothing less than piracy, and be visited with the punishment due to that crime. If such, then, were really the nature and character of that trade; if we carried it on for so many years, and we could so long submit ourselves to such a traffic; if we judged from the tardy justice which we ourselves rendered: if we could continue the trade as we did when we had the means of providing our colonies—if all these things were considered, was there not something due from us? Did we not owe a sort of smart-money for what we had done? To make up for the injuries we had brought upon Africa, we ought not to be unwilling to make such a sacrifice. He did hope sincerely that when the hon. baronet came to reflect a little, he would not think the money given likely to be wasted, or to be improperly bestowed. If, indeed, we only considered it upon the most simple commercial footing, as a common mercantile regulation, we should find it abundantly recompensed by the result; but when there was a nobler inducement to interfere, such a sum as that was might easily be sacrificed. He hoped that other measures would also be adopted. It might be necessary to remind the House, that his noble friend was placed in a new diplomatic path, which had not been trodden before, and that therefore he was surrounded with great difficulties. As an act of generosity even we ought to spare this money. Indeed generosity was only justice, and considering the many blessings which the Almighty had showered on this country, it would be shameful to refuse such a sum for so great a purpose. It was not fair to estimate the whole of the benefit to be derived from the measure by looking at it singly: it was in point of fact nothing more than the foundation stone, or the single arch, from which a building was to arise which would reflect more honour upon the humanity and magnanimity of these times than any other act whatever. He could not but think that the grant would be more than repaid to this country in commercial advantages by the opening of a great continent to our industry an object which would be entirely defeated if this traffic was to be carried on by the Spanish nation. Considering it either with regard to interest or generosity, he felt that it reflected honour on his noble friend who had brought it forward, and on the House which was likely to adopt it.

Sir *Oswald Mosley* looked on the hon. gentleman who had just sat down as the saviour of the African slave; and it was therefore very painful to him indeed to say any thing against what the hon. gentleman advanced on such a question. But, under the existing circumstances of the country, it was of the utmost importance that when they were about to vote away a large sum of the public money, they should consider well the purpose to which it was to be applied. Millions had already been voted away for objects far from useful, it was necessary to inquire, therefore, how far the present vote was exempted from a similar charge. The noble lord had stated, that if the four hundred thousand pounds was not granted, the object of the whole treaty would be done away; to this argument he should answer, that he would rather see the treaty defeated than the public money voted away unnecessarily. He believed that by the former treaty Spain was bound to discontinue the traffic after the expiration of eight years.—[Here lord Castlereagh signified his dissent from the statement.] He had so understood it, but would submit, if he was wrong; but supposing his impression to be correct, why should they not rather wait for the expiration of that period than come forward under the present circumstances of the country, with four hundred thousand pounds. He believed the fact to be, that the court of Spain was too politic for us. The slave trade, after all, was but of little importance to her. She was at war with her colonies; and if in that war she should be unsuccessful, of what use would it be; And what would be the consequence, as far as the object of this vote was concerned? —why we should in all probability be called upon to vote the same sum to that separate independent government, which would in such an event be established. He hoped in God that such a separation would take place. It was the interest of mankind that it should: it was particularly the interest of this fine and commercial country, that other countries should be free, and in a condition to reciprocate commercial advantages upon liberal and enlightened principles; but, if the Spanish colonies achieved their freedom, the grant of this money to Spain, dissevered from them, would not promote our object. His hon. friend had spoken of the compensation which we might expect for this sacrifice, in the civilization of Africa, and the consequent increase of our commerce with that quarter of the world. He would beg leave to remind him what that had cost already, what sums of money had been expended on the colony of Sierra Leone, and how many lives had been lost. His hon. friend had farther stated, that the question amounted to this—Whether the slave trade should be abolished or not? He could by no means agree with him in such an interpretation. He had himself voted for the abolition, and he felt as much pride of heart as any man who had so voted, in having contributed to put down that abominable and inhuman traffic. He objected to this grant the more, because he foresaw the purpose to which the money would be applied by Spain. The question appeared to him to be this—Whether they would grant such a sum to enable Spain to carry on the war against her colonies? And in deciding upon this question, they would do well to consider, whether, by redeeming by such an expedient one African slave, they did not in effect impose slavery upon thousands now struggling for freedom in another quarter of the world? This appeared to him the true state of the question; and he was sure that his hon. friend, if he saw this treaty in the same light, would object to it as much as he felt it his duty to do. He should not trespass any longer upon their time by giving his opinions, which would probably be attended with no effect; but he felt it a duty incumbent on him to state to the House, that he regarded the treaty, as far as concerned the point to which he had directed his observations, one of the most impolitic, nefarious and ruinous that ever was entered into; and, entertaining such opinions, he should feel himself under the necessity of pressing the question to a vote.

Lord *Castlereagh*, in explanation, said that Spain was under no pledge of the nature alluded to by the hon. baronet. The Spanish minister had stated eight years as the period when his Catholic Majesty might find it convenient to enter into arrangements with a view to the abolition of the slave trade, but there was no positive engagement which pledged the Spanish nation to the discontinuance of the traffic at the expiration of eight years. He (the noble lord) attached far more consequence to the articles of regulation in the present treaty than to the formal concurrence of Spain in the abolition.

Sir *Oswald Mosley* observed, that it was not for us to teach Spain humanity.

Sir *James Mackintosh* said, that he should have contented himself with a silent vote, and have willingly rested the justification of the treaty on the persuasive and affecting appeal of his hon. friend, the member for Bramber, if he had not been called upon to state the grounds of his approbation by the opposition of two respectable and independent gentlemen to a measure which he approved, because he considered it as contributing to the abolition of that detestable system of crimes, which they doubtless abhorred as sincerely and as warmly as he did. He concurred with them entirely in their zeal for economy. He had the same opinion of the faith of the Spanish government, and the same feelings for the people of South America. [Hear!]—If he said no more on these subjects on the present occasion, he must protest against his silence being imputed to lukewarmness or negligence. It arose from his deep conviction, that the abolition of the slave trade was the most important question which could be discussed in the House of Commons; a question, to which every other object, however interesting or important, ought for the time to yield [Hear, hear!]. He considered the immediate prohibition of the Spanish slave trade on the north of the equator, and the establishment of the right of search to enforce it, as a most important step towards the still distant point of general abolition [Hear hear!]. It was singular that the hon. baronet, thinking as he did of the faith of Spain, should have laid so much stress on the former promise of that country to abolish the trade in eight years, and made so little of the present treaty, which gave the means of enforcing the observance of its stipulations. Both his hon. friends had overlooked the most important, perhaps the only very important, part of this treaty. It was not only a treaty of stipulation, but a treaty of regulation. The right of searching, of detaining, and of bringing in for condemnation, all Spanish ships detected in the crime of slave-trading, ensured the performance of the engagement. The merit of the treaty was, that it contained in itself the means of its own execution; it left nothing to the faith of the Spanish government. The introduction of a right of search, in the maritime law of Europe, for the first time during peace, was a precedent of the utmost importance, and a most valuable confession of the paramount magnitude of the object for which nations thus sacrificed their ancient usages and their most inveterate jealousies. Without the right of search, all promises to abolish were illusory. The right of search was practical abolition. It was obvious that the right of search must be reciprocal. For himself, he felt a pride in the British flag being, for this object alone, subjected to search by foreign ships. He thought it a great and striking proof of magnanimity, that the darling point of honour of our country, the British flag itself, which "for a thousand years had braved the battle and the breeze," which had never been lowered to an enemy, which had defied confederacies of nations, to which we had clung closer and closer as the tempest roared around us, the principal of our hope and safety, as well as of our glory, which had borne us through all perils, and raised its head higher as the storm assailed us more fearfully, had now risen to loftier honour by bending to the cause of justice and humanity. Our pride, which never shrunk from the most powerful enemy, our national jealousy, our most cherished prejudices, were thus voluntarily suspended. That which had braved the mighty, now lowered itself to the feeble and defenceless—to those who, far from being able to make us any return, would never hear of what we had done for them, and probably were ignorant of our name. [Loud cheers.]—He heard with infinite satisfaction from the noble lord, that there was some reason to hope for the adoption of similar measures by France and Holland. As to France, the information was the more gratifying, because appearances had certainly been much against that government. In July, 1815, prince Talleyrand, in his letter to the noble lord, informed him, that the king of France had abolished the slave trade. Four months afterwards, in the definitive treaty of peace, the kings of Great-Britain and France solemnly declared, that they had abolished the slave trade in their respective dominions;—France thus claiming credit for having contributed as much to the abolition on her part, as Great Britain had indisputably done on her's. Yet, in January, 1817, on the application of the British embassador at Paris for copies of "Laws, Ordinances, Instructions, and other public Acts for the Abolition of the Slave Trade," the duc de Richelieu had nothing to communicate but a mere colonial regulation, passed eight days before, prohibiting the importation of slaves into French colonies. Notwithstanding the assertion of prince Talleyrand's letter, in spite of the more solemn affirmation of the treaty, it appeared that France had taken no legal measure for the abolition, during eighteen months after she professed that she had adopted it. What she did at that time was imperfect, and it did not appear that she had done any thing since. If, however, she was now to atone for this remissness, let it be buried in oblivion.—From the former acts of the government of Holland, every thing good was to be naturally expected.—The merit of that government in the abolition was very great. There was no country in which colonial possessions were regarded as so large a part of national greatness; none in which there existed a more powerful colonial interest, more deep-rooted prejudices to be opposed, so much supposed advantage to be hazarded. It was most honourable to the Dutch government, that, in the face of such obstacles, the abolition of the slave trade was one of their first acts, as an independent state.

He approved the present treaty in the highest degree, because it gave the right of mutual search, the only possible security for the execution of laws of abolition, because parliament had already pledged itself to approve and support such measures by those successive addresses in which they had intreated, besought, implored, the Prince Regent to employ all the influence and all the resources of this country, to procure universal abolition; because all partial abolition produced, for a time, perhaps more guilt and misery than existed before, and was chiefly valuable as one of the steps towards universal abolition, among which this treaty deserved to be viewed as one of the most considerable [Hear, hear!].

Here he should have closed, if he had not been induced, by what he thought a groundless construction of a judgment of a right hon. and most learned person (sir Wm. Scott), whom he was sorry not to see in his place, to state his opinion of the principle and effect of that judgment. It was a judgment in the case of a French slave ship, called the Louis, seized by a British cruiser, condemned by the court of Sierra Leone, and, on appeal, rightly (as he conceived) restored by the high court of admiralty. The judges of that court might, without fear of exaggeration, be called the highest authority on such subjects in Europe. It was therefore of the most serious importance, that nothing which fell from him, especially at this critical moment, should be misunderstood. The grounds on which the Louis was restored were two; first, that the English cruiser, having no right to search French ships in peace, because no treaty had established such a right, could not avail himself of the discovery of slaves on board the French ship, which he had made by his own wrongful act; and secondly, that there was no sufficient proof that the French vessel, in carrying on the slave trade, had disobeyed the laws of her own country. Both these grounds were perfectly solid; but neither of them afforded any principle applicable to this treaty. It had been supposed, that according to the judgment of the Louis, a Spanish slave ship, by assuming French or other foreign colours, might exempt herself from search under this treaty. If this were true, the judgment would in effect abrogate the treaty; but he contended that it was not true. By the true construction of the ninth article of this treaty, he conceived, that if the commander of a British cruiser, duly instructed according to this treaty, were to search a vessel which he had serious grounds for believing to be Spanish, though she had hoisted a foreign flag; and if she should afterwards prove to be a Spanish ship, slave-trading against the stipulations of the treaty, her fraudulent assumption of a foreign flag would not exempt her from condemnation. The letter of the article was sufficient to establish this construction without farther argument. The king of Spain grants the right to search all Spanish vessels. He does not confine his concession to ships sailing under Spanish colours. The captain of the cruizer searches on his own risk a ship which sails under any colours but Spanish. He is answerable to his government, and they to foreign states, for wanton search and vexatious detentions. These were the conditions on which all such powers must be exercised. But if the vessel proves to be Spanish, it follows, that she was liable to search; and if she proves to be a slave trader, that she is liable to condemnation. Both these qualities were wanting in the case of the Louis; both would be found in the case of a Spanish slave ship under foreign colours since this treaty. Who could indeed appear, in such a case, to resist condemnation? Not a Spaniard, for he is bound by the treaty. Not a foreigner, for by the supposition he is only a pretended owner; he would suffer no loss by the condemnation, and can have no interest in the suit.

Mr. *C. Grant* jun. said, he felt satisfaction at the judgment adverted to by his hon. and learned friend, but did not see how it could be mistaken. The property of Spaniards in slaves, under any flag, could not be protected from capture. He might illustrate this idea by a reference to the rights of neutrals and belligerents in time of war. A suspected vessel in the latter case, though under a neutral flag, might be detained, and if it carried enemy's property, might be condemned. He would not trouble the House with many observations, as it appeared to be unanimous in its approval of the present treaty. The hon. baronet who spoke last but one had spoken of the application of the money to be granted by the present treaty, and had insinuated that Spain entered into the cause of the abolition merely with a view to this advantage; but he ought to have recollected, that if the Spanish government had merely looked to pecuniary advantage, it might have received a greater sum from its own subjects for leave to continue the trade, than it now obtained from us for abolishing it. The merchants of the Havannah would have given two millions sterling for such a licence. He congratulated the House and the country on the great progress the cause of humanity had made within the last century, and the extraordinary change which had taken place in public opinion. In the beginning of the last century, we deemed it a great advantage to obtain by the Assiento contract, the right of supplying with slaves the possessions of that very power which we were now paying for abolishing the trade. During the negotiations which preceded the treaty of Aix la Chapelle, we higgled for four years longer of this exclusive trade; and in the treaty of Madrid, we clung to the last remains of the Assiento contract. A new era had now dawned: we looked in vain for the barbarities that desolated Africa, which country was at the beginning of the last century the scene of a consecrated rapine, the asylum of legalized violence. Our laws now declared the trade to which we formerly clung to be a crime. Our efforts had been successful in awaking other nations to the same sentiments of humanity with which we were actuated. Much of this favourable disposition of foreign governments to the cause of the abolition was to be attributed to the congress of Vienna. We had there engaged the sovereigns of Europe to stipulate for the abolition of the trade in slaves: we had since made the abolition an indispensable article in all our treaties and negotiations: we had spread light on those cruelties from which we called upon all civilized nations to rescue Africa. The universal abolition was, he trusted, not far distant. The trade had so long continued to disgrace European commerce, because the atrocities in which it originated, and which it tended to perpetuate, were not known in all their enormity. Even in England the public did not for a long time believe them, or view them in their proper light. The ignorance in which the other nations of Europe remained, with regard to this subject, was now nearly dispelled, and we might expect the burst of feeling which appeared in England to become general. Then only would our labours be closed, and our end be attained.

Mr. *Bennet* said, there was no person who felt more deeply than he did the calamity under which this country suffered from the heavy load of taxation under which it laboured; yet he believed, that if they went from house to house, they would have no difficulty in raising a contribution for the purpose of putting down this traffic. He begged the House to recollect, that in about a month after the battle by which the Bourbons were placed on the throne, at the expense of British blood, it was signified by the French minister to our own, that as far as France was concerned, the traffic had ceased every where, and for ever. It being discovered in this country, that it was still carried on by France with great vigour, another application was made by sir Charles Stewart, requiring to know what steps had been taken to carry the abolition into effect? The answer was, that some colonial regulation had taken place; but it had subsequently come out in court, that no such order or regulation as was intimated had ever been issued. It made no difference that the trade was not carried on in British vessels, if it was carried on by British capital. An active trade in slaves was well known to have been carried on, up to a very recent period, by French subjects. Since the delivery of Senegal to France, the trade had revived in that part of Africa, and had given rise to all those evils with which it was formerly attended. It had armed nation against nation—tribe against tribe. The kings stripped their villages, to send their people down to the French traders; and those traders were throwing the settlements into that state of misery, distress, and wretchedness in which they had been antecedent to the time when they were rescued from it by the abolition. He would ask the noble lord if we were still to allow ourselves to be deluded by the French government?—Was the old French system again to be acted on? He hoped we should not again from experience, come to the conclusion that we cannot trust them. Was a treaty to be no security? Was there always to be some stroke of policy played off—Was there always to be some trick and subterfuge to avoid carrying the stipulations of a treaty into execution? He knew the faithlessness of the race we had put on the throne. He knew at the same time, that the person to whom they succeeded was still more faithless, and he was glad to see him where he was. But still he knew what the race were who now ruled the country, and how faithless they had always been. He could not forget the mission to St. Domingo, however that mission might be disowned—and the person who carried with him documents, which were perfectly authentic. Under all these circumstances, he thought some explanation was due from the noble lord as to what he trusted to, that the slave trade would not be carried on with the same vigour on the part of France, that they knew it had within a few months been carried on. He trusted the noble lord would be able to give them some satisfactory answer on the subject.

Lord *Castlereagh* could not help thinking, that the language of the hon. gentleman, if he was a sincere well-wisher to the cause of the abolition, was not calculated to promote that object; for, if any thing was more calculated than another to discourage the French government from making exertions in the cause of the abolition, it was precisely such language as he had held. He was not French lawyer enough to know what hold the principles of a treaty between the French government and another power had on French subjects, without the authority of a law of the country to give effect to them. This, however, he could say, that no engagement could have recorded in more explicit and comprehensive terms the abolition of the slave trade on the part of France. To his certain knowledge, the French government had immediately acted on the treaty, and sent dispatches to the different ports for the purpose of securing its execution. He could state also that he knew the governor of the island of Bourbon had actually been displaced by the French government for allowing the crime of slave dealing in that colony. And he could also say, that whenever any information had been received by him respecting any traffic in slaves on the part of French subjects, he had transmitted it regularly to the French government, and they had never received it otherwise than with every appearance of the most anxious desire to act on it. But he was not aware that the law in our courts of justice was what it now appeared to be, till the late decision. The French ambassador had actually ran before him in conveying to his court a knowledge of what was going on on the coast of Africa. When he said to the French ambassador, that it was apprehended by lawyers in this country, that France had not done what was necessary to give effect to the treaty, which could only be by embodying into a law the object of it, he undertook immediately to communicate this information to his court, and he was charged by it to request that he might be put in possession of all that it was conceived ought to be done to give the most complete effect to the treaty.

Mr. *Gordon* considered the right of search a very great advantage gained by the present treaty. He was aware that 400,000*l.* was here given for what could not be received for three years to come; and that this money was given on chance. But he thought the country would very willingly advance this sum, even though they might be deceived: for it would put us in the right, and give us the strongest claims against Spain hereafter. With respect to what had been stated, that the Spanish merchants had offered their government four times this sum for the further continuance of the slave trade, he laid no weight upon it. He did not believe the Spanish merchants possessed so much money to offer; but even if they did, the Spanish government might have been politic in refusing it, for after receiving the 400,000*l.* from Great Britain, it might then exact the other sum from the merchants. This measure, however, if effectual, must be attended with the best possible effects in promoting the civilization, not only of Sierra Leone, but of the Gold and Ivory coast. The House was aware that a committee had been sitting two years upon those coasts, and that reports had been submitted, proposing great benefits to that part of Africa. Some of them had been happily carried into effect, and he was happy to state, that communications of a friendly nature had lately been made by the king of the Ashantees and Fantees with the forts established in their vicinity.

Mr. *Marryat* stated, that many vessels belonging to subjects of Spain and Portugal, engaged in the slave trade, had been in time of peace captured by our cruizers, without any treaty to warrant such a proceeding, and condemned in our courts. The value of the slaves per head, of which they were so deprived, might be calculated at 350 dollars. They had not prosecuted their claims, and the bounty money had been paid to the captors. If they had prosecuted their claims, the sum which these persons would have had to receive would have amounted to much more than the sum stipulated in this treaty. With respect to the objection, that this money might possibly be applied towards carrying on hostilities against South America, they were to consider whether the possible chances of such misapplication ought to outweigh the positive advantages which we gained by this treaty, which, coupled with the treaty which was understood to be concluded at the same time with Portugal, would put the abolition hereafter in our own power. With respect to the appointment of commissioners on the coast of Africa and in the Spanish settlements, for the settlement of differences under this treaty, notwithstanding all the partiality of the member for Bramber, for Sierra Leone, from its geographical position, he conceived it was ill adapted for a situation for commissioners, from its being a great distance directly to the windward of the places where the slave traders principally resorted. He had the authority of sir James Yeo, for saying, that it took frequently ten weeks in beating up to Sierra Leone, and during such a length of time, the mortality in the vessels must be very great. With respect to the conduct of the French government, he could only say, that at Martinique, he had made it his business to inquire into the subject, and he found at that colony, that as soon as could be expected after the treaty, instructions had been sent out in a man of war to Martinique, and from the day of its arrival no vessels had cleared out from the custom-house of Martinique for the purpose of engaging in the slave trade. He thought there was no good ground for accusing the French court of insincerity.

Mr. *Wilberforce* stated, that he had no particular partiality to Sierra Leone, and should readily assent to the nomination of any other place which might be thought more convenient.

Sir *W. Burroughs* observed, that the sum which we had stipulated to pay, under this treaty, was nothing more than an act of justice to Spain. Many ships had been employed in time of peace, and it was perfectly clear that we could not be warranted in capturing any vessel because it was engaged in the slave-trade, unless there existed a previous treaty on that subject. This country was bound to make a compensation; and, therefore, on a calculation that there were 5,000 slaves on board these vessels, and valuing them at 75*l.* a head, if we were answerable for them, we should have to pay upwards of 300,000*l.* to the Spanish government. He thought the two hon. baronets had viewed the subject in a mistaken light, and he could not withhold his praise for the very able manner in which the noble lord had conducted this negotiation, and the zeal which he had manifested in bringing it to so favourable an issue.

The committee divided: Ayes, 56; Noes, 4.

HOUSE OF COMMONS.

Tuesday, February 10.

London New Prison.] Sir W. Curtis brought up the report of the committee upon the petition of the Sheriffs and Common Council of London with respect to the completion of this prison.

The hon. baronet then moved, "That leave be given to bring in a bill for raising an additional sum of money for carrying into execution the acts of parliament for building a new prison for debtors in the city of London, and for extending the powers of the said acts."

Mr. *H. Sumner* considered that the city of London, like other places, ought to find and provide for its own gaols. Unless, therefore, he could find some sufficient grounds laid for this bill, he should feel it his duty to oppose it.

Sir *W. Curtis* said, that the petition alluded to contained an ample explanation of these grounds. The fact was, that the erection and alteration of the new prison for debtors had cost no less than 130,000*l.* and it was in order to provide for the excess beyond the former grant, namely, for 30,000*l.* that the motion was brought forward. The city of London was always ready to support its own prisons; but the misfortune was, that it was too often called upon to support numerous prisoners from other districts. Still the citizens of London did not seek to put their hands into the pockets of the public, but only for the liberty of raising the money required among themselves through the medium of the Orphans' Fund, as it was improperly called; for this fund had nothing whatever to do with orphans, and should rather be denominated a Fund for the Improvement of the city of London. It was proposed through this fund to raise the sum to which this bill alluded; and those belonging to the city, who did not think proper to contribute to the raising of that sum, might, if they thought proper, have their coals from any other place than the port of London.

Mr. *Bennet* said, that upon this subject it was necessary that the House should consider, first, the propriety of granting the money required, and secondly, the manner in which that money was to be applied. He was enabled from personal observation to say, that of all the gaols in England, that in Whitecross-street was the most unfit for its object, and the most incommodious for the prisoners, while it was by far the most expensive in its construction. It was only necessary to examine this clumsy edifice to be satisfied of the fact; for would it be believed, that a prison intended for the accommodation of hundreds of prisoners, was not even fire-proof? He had the honour of being a member of the committee of that House, which visited this prison, and recommended certain alterations, but those alterations could not require such a sum as the hon. baronet alluded to. The hon. baronet had remarked, that those who did not think proper to contribute to the sum proposed to be raised, might go elsewhere than the port of London for coals. This, he thought a very extraordinary remark, especially considering the number of comparatively useless turnpikes which had been already erected upon the Thames. He alluded to the new locks, many of which were mere jobs; for although those locks professed to have in view the security of the navigation and trade of the river, it was a fact, that no one who had a barge of coals to convey, could deem it safe from robbery, without employing persons for its special protection. The city of London had, it was known, been profuse in the expenditure of its funds. Whenever any ministerial object was to be promoted, it was always ready with its presents, its swords, and its snuff-boxes—but it would become this city to be just before it was generous—to rescue its gaols from that disgraceful state in which they notoriously were, before they stood forward with ostentatious and unnecessary donations. The state of Newgate was really scandalous; but all the gaols of the city were in a melancholy condition, and especially the Borough Compter, in which there was scarcely an unbroken window or pane of glass. Before, then, it was agreed to let the corporation of London raise more money, for the porpose of the city prisons, he hoped the House would desire to know how the sums already granted had been disposed of, and would also demand a statement of the city funds.

Sir *James Shaw* expressed a hope, that neither that House nor the country, would ever be found to concur with the hon. gentleman in condemning the city of London for its liberality towards the liberators of Europe. If the House agreed in the principle upon which the money alluded to in the motion was paid, he could not see upon what grounds that motion could be opposed.

Mr. *H. Sumner* felt it to be his duty to oppose the motion. The Orphans fund was a charge for the government of the city, and if that fund were found insufficient, the cause of that insufficiency ought to be explained before any additional grant were acceded to. But the improvident manner in which money was raised by the corporation of London, suggested the propriety of limiting its discretion, and watching its operation, for of the 100,000*l.* which this corporation was enabled by parliament to raise, for the erection of the prison alluded to, 10,000*l.* was disposed of in an unaccountable manner, and this, too, at a time that the chancellor could raise money in the city at much less than 5 per cent. Now, as the interest upon loans to the city was quite as punctually paid as that upon the public funds, he could not conceive a reason for such extreme difference. There was but too much reason to believe, that the loans to the city were mixed with a spirit of jobbing, and therefore he proposed to move that the names of the subscribers to the last loan should be laid before the House. The House would be surprised to learn, that among the contingencies upon the last loan, no less a sum than 3,000*l.* was set down for the expense of carrying the bill through parliament which authorized that loan. But there was another charge in the contingencies which appeared equally unaccountable, namely, 3,000*l.* for the expense of making out the bonds upon this loan. With such facts before the House, was it too much to suspect the existence of a job in this transaction, somewhat similar to that which characterized the plan for building the New Post-office? It was due to his constituents, who paid at least one-fifth of the tax exacted upon coals for the Orphans' fund, to take care how this fund was administered; he would therefore move, by way of amendment, "That the Report be taken into consideration on the 13th of March."

Mr. Alderman *Wood* observed, that he had often been in company with his hon. friend in the prisons of London, but he must say, that he had never heard his hon. friend point out such faults as he had that night alluded to. With regard to the prison in Whitecross-street, he was enabled to state, that it stood upon as much ground as any prison in London. The yards were all spacious, and the apartments as commodious as could be reasonably desired in such a building. But he wished that this, as well as the other city prisons, were examined by a committee of that House, in order to prove the justice of his representation. It was known that at the Whitecross-street prison, to which his hon. friend particularly alluded, the prisoners were accommodated with coals, bread, meat and bedding, without any expense, and he apprehended that no such accommodation was afforded to debtors in any other prison in Great Britain. This prison was originally intended for the accommodation of 544 prisoners, and it occupied, including the outer walls, about an acre of ground. Yet, in consequence of a recommendation from the committee of that House, the city committee for superintending the construction of the prison, bought some more ground, at an expense of 17,000*l.* This expense, together with the loss upon the bonds connected with the last loan, formed the ground for the proposed bill. The hon. member for Surrey had dwelt much on the fund of the city, but he had taken no notice of its indispensable expenditure, and was not, perhaps, aware that the annual expense of Whitecross-street prison was no less than 3,000*l.* which, added to the expense of the other city prisons, formed an aggregate of about 30,000*l.* which the city of London annually paid for the maintenance and police of its several gaols.

Mr. *S. Thornton* should not oppose the motion, but thought it rather hard that the city of London should have the power of taxing to such an extent, all the adjoining counties.

Mr. *N. Calvert* agreed with the observation of the last speaker, as to the taxation to which other counties were subjected, merely for the accommodation of Middlesex and the city of London. That was the more to be regretted, as this taxation being imposed upon coals, operated most oppressively towards the poorer classes. This tax, upon coals was indeed, of such a nature, that he thought it peculiarly worthy the consideration of the chancellor of the exchequer, as well as of the House itself, in order to devise a diminution of its pressure.

A division was called for, but upon the understanding that the accounts of the Orphans' fund should be laid before the House, Mr. Sumner consented to withdraw his amendment, and the original motion was carried.

PETITION FOR RESTRICTING THE TIME OF LABOUR IN THE COTTON MANUFACTORIES.]—Sir *Robert Peel* rose to present a Petition from the Cotton Spinners of Manchester—a numerous class of men, who had rendered as great service to the country by their industry and skill, as any body of persons of the same order in society. The petitioners had come to him most unexpectedly, but he felt that they were entitled to his peculiar attention. They were aware that the attainment of the object of the petition must be attended with a reduction of their wages; but anxious for health, and in order to enjoy some of the comforts of life, they were willing to submit to that sacrifice. He had had a communication with some of those poor men this morning; and he declared he could not hear their statement, or witness their appearance, which confirmed that statement, without shedding tears [Hear, hear!]. As the House valued the trade of the country it could not fail to feel for the sufferings and consider the interests of those by whom that trade was sustained. How, then, would the gentlemen who heard him regard those poor petitioners, who, in rooms badly ventilated, and much overheated, were compelled to work from fourteen to fifteen hours a day? Young persons might endure such labour; but, after men had attained a certain age, it became intolerable. Premature old age, accompanied by incurable disease, was indeed too often the consequence of such labour in such places. He hoped, therefore, that the House would interpose to protect those from whose labour the country had derived so much advantage. He had himself been long concerned in the cotton trade; and from a strong conviction of its necessity, he had brought in a bill for the purpose of regulating the work of apprentices; but since that bill passed into a law, masters declined to take apprentices, and employed the children of paupers without any limitation. Hence the law was evaded, and rendered ineffective for the object which it had in view—that object was the prevention of inhumanity; and he hoped it was not inconsistent with our constitution to legislate for the protection of children as well as grown persons against the harshness of their employers. Those immediately concerned in the cotton trade did not perhaps perceive the injury to health which their workmen suffered, as they were in the habit of seeing them every day; but that injury was obvious to every stranger. Such a case was detailed in this petition, as presented an appeal to the House which could not be withstood by any assemblage of gentlemen susceptible of common humanity; and these poor people had no other protection but in that House. The hon. baronet manifested throughout very great emotion, and was listened to with peculiar attention.

The Petition was read; and after describing the circumstances stated by the hon. baronet, concluded with praying, that the case of the petitioners might be considered by the House, and that the period for their employment might be limited to 10½ hours each day, including the allowance of half an hour for breakfast and an hour for dinner.

Mr. *Curwen* declared, that the impression upon his mind, from the evidence and Report of the Committee upon this subject two years ago, was, that the persons alluded to were not over-worked. The hon. baronet had spoken of the persons employed as having no protection. Had they not their natural protectors, their parents? He objected to a measure which would go to point out to the parents what were the hours in which their children should be employed. He had visited several of the manufactories, and must say, he never found children in better health and with better looks. He had no concern in any manufactories, and could therefore have no interest in expressing his opinions.

Mr. *Gordon* expressed his surprise at what he had heard from his hon. friend. The children in the manufactories were certainly overworked, and that had appeared from the report of a committee appointed to inquire into the subject. If the children were kept at work from six in the morning till eight in the evening, with hardly any time to take their food, except as they passed from one room to another, they must certainly be overworked; and yet such was the fact. Many of the children also began to work at the age of six. The present petition had been signed by the parents of many of the children, who were anxious for a diminution of labour, even though accompanied with a reduction of wages. In a Sunday school, out of several hundred children, it was easy to distinguish those who were employed in manufactories. It was then honourable to the feelings of the hon. baronet to bring this question before the House. He was for such conduct, entitled, not only to the gratitude of the poor petitioners, but to the benediction of all good men. When a gentleman who had realized a large fortune in trade, thus stood forward to extend paternal protection to those who had contributed to his wealth, he could not fail to meet, as he merited, the universal thanks of his countrymen [Hear, hear!].

Mr. *Philips* doubted the accuracy of the hon. member's information, that children employed in cotton factories could be distinguished among hundreds of others in consequence of their appearance of ill health; for, from his own observation, the children so employed enjoyed as good health as any other children. He had himself personally inspected those schools, and selected two children who were engaged in a factory, and bore the appearance of ill health. The one was a boy whose ill health he found to be attributable to an accident he had suffered from having fallen down and been trampled upon by some soldiers; the other was a female, whose delicate state of health was of long continuance, and before she had been engaged in any employment of the kind. In these schools there were three distinct classes of children, and on inquiry he ascertained that the children employed in factories were better looking than the others. On expressing this difference to the very person who had affixed his signature to the opinion that the health of children was deteriorated by their employment in factories, the answer he received was, that the difference in the appearance of the other classes arose from their not being well fed. If the employment of such children was productive of evil, that was a good ground for the interference of the legislature. But let that interference not be founded on *ex parte* evidence from one side or the other. Let it be the result of impartial examination, and to effect that he would recommend a special commission to investigate the circumstances on the spot The hon. baronet had no ground for assuming that the improvement which had certainly taken place, was in consequence of the operation of his bill. It arose from the good example set by other factories; and it was even to such examples that the improvement in the worthy baronet's establishment, and not to the bill, was attributable.

Sir *R. Peel* thought the hon. gentleman had travelled out of the question for the purpose of making an attack upon him. Previously to any regulation having been made as to the employment of persons in the different manufactories, his establishments were as faulty as those of any other person, but when such regulation was proposed, he perceived, with surprise, the former injurious mode of regulating them, and was most anxious to concur in the proposed remedy. He thought an application to parliament the best way by which a remedy could be procured, and that application was accordingly made. He should observe, in reply to what had been said by the hon. member, that his (Mr. Philips's) manufactories were as badly regulated previous to the late improvement, as those of any other person whatever.

Mr. *F. Douglas* observed, that he was as anxious as any man to inquire into, and redress the grievances complained of, but he thought it was due to his hon. friend (Mr. P.) to state, that when he visited his manufactories a short time back, he saw all the children employed there were of the most healthy, cheerful, and contented appearance.

Mr. *W. Smith* wished to answer one objection which had been made to the petition being received. It had been said that it had not the assent of those persons from whom it was said to come. That observation he had the best ground for refuting, namely, the testimony of several of the parties themselves. Several of the petitioners having been disappointed that nothing had been done for them last session, had come to London this session, and he had inquired of them if they were aware of the nature of their petition, and that its being agreed to would be a means of reducing their wages. They replied, that they were perfectly aware of it, and so were many thousands of those by whom the petition had been made. There were upwards of 6,000 persons in and about Manchester who were most anxious to have their petitions agreed to, though they all knew that a reduction of their wages would be the consequence. There were in all between 20 and 30,000 persons who were anxious that a different regulation should take place with respect to their hours of working, and with respect to the hours of the children also.

Mr. *Shaw* observed, that two years ago, when he visited the manufactories of Mr. Philips, he was pleased at seeing that all the children employed there were of the healthiest and soundest appearance. He hoped the House would examine strictly and personally into the statements on which the petition was grounded, before they interfered in so important a question as that of lowering the wages of a numerous class of society.

The petition was ordered to lie on the table.

MOTION RESPECTING PROSECUTIONS INSTITUTED AGAINST STATE PRISONERS IN SCOTLAND.] Lord *Archibald Hamilton* said, that he rose for the purpose of redeeming the pledge, which, on the first night of the session, he had given expressive of his determination to submit to the consideration of that House, a motion respecting certain transactions connected with the administration of justice in Scotland, and the conduct of the law officers of the crown in a recent state prosecution, as affecting the justiciary court of that country, and as directly concerning the liberty and life of every individual in it. He felt as sensibly as any man could feel, the importance of the subject to which he had to request the attention of the House, and the duty it imposed on him of treating it with the utmost seriousness. In the discharge of a public duty, he trusted that it would be his uniform practice, but if ever there was a question that more strongly exacted that serious consideration, it was one that branched into an inquiry into transactions connected with the administration of justice, and the conduct of the law officers of the crown in the prosecution of political offences. The present case had every ingredient of gravity and importance. The subject related to the highest concern in this country, the purity of justice; the parties were the highest officers of the law as well as officers also of the crown; the scene of the transaction which he was about to notice, was the highest court of criminal law in Scotland.

He was aware that this statement of the tendency and end of his motion was likely to produce a double prejudice. The first was, that being a subject somewhat in the nature of a law question, it might be thought by many of those whom he had the honour to address, that it should have been left to professional men to submit it to the consideration of parliament. To such an objection he would answer that if it were to appear to be the general opinion that only professional men could take up important questions, involving grave matters of constitutional interest, he should much regret such an impression, as hostile to the best interests of the state. But he would contend, that such an objection did not apply to the motion which he should have to submit to the House. It stood in need of no professional or technical qualifications—it required only the suggestions of plain sense and sound reasoning: it involved no question of law, but the law of common justice; and nothing technical, but what might be artfully introduced into it, in order to perplex and obscure its real nature and its obvious merits; and, therefore, however competent on other grounds, he might feel himself for the due exercise of the duty he had undertaken, he would acknowledge no deficiency as arising from the mere circumstance of his not being a professional man.—The second and the greater prejudice with which he had to contend, was, that to accede to his proposition, might be construed into an interference with the administration of the courts of justice—a point that long experience had convinced him was one, on which that House entertained universally the greatest jealousy, if he might not say repugnance.—To meet such an objection, and to guard against any such inference, he begged to state, that he did not seek for any interference of that House with the administration of the courts of law in Scotland. His business that night, was not with the court, but with the law officers of the crown. All he asked was, to direct its attention to what had passed in these courts, and to take cognizance of certain outrages upon the forms and the substance of justice which had been therein committed, and the evidence of which, appeared on their own records. From these records the House would be enabled accurately to ascertain what was the conduct of the law officers of the crown—conduct which he had no hesitation in asserting justified the charge of a subornation of perjury, or at least must be considered as an attempt to procure an illegal conviction. Such a case, in his judgment, most urgently called for parliamentary inquiry; and though it might branch out into a variety of collateral details, the feature of the transaction to which his present motion specifically adverted, had undoubtedly the least connexion with professional or legal topics.

The case he was about to submit to the House arose out of the trial of M'Kinley, in the high court of justiciary at Edinburgh. He had no intention of going into the whole series of state trials in Scotland in the course of the last year. Neither would he notice the succession of indictments which had last session come under the consideration of the House. He selected this case because it was the strongest that had occurred, and because the part which he had to animadvert upon involved no legal technicalities. His motion was merely for the production of the record of those proceedings to which he had alluded. He mentioned this so early, because he really had little or nothing to submit to the House but what that judicial document contained and went fully to substantiate; indeed, the whole nature and character of the proceedings could not be better developed than as they there appeared. It was, however, necessary to take a short—a very short retrospect of some circumstances that had occurred in that House, during the last session, with reference to the trials in question. It would be recollected that the lord advocate of Scotland had, in his place, on that occasion, asserted in the most solemn manner, that the population of Glasgow was so contaminated with sedition and disaffection to the state, as to require the exercise of the most vigorous repressive measures, and that several hundred persons in that manufacturing city, were bound by an oath, which oath, the learned lord had in a manner uncalled for, submitted to the consideration of the House.* That some degree of discontent, or degree of disaffection, might exist in a period of great distress, amongst a large manufacturing population, he was not disposed to deny or to dispute. But he would ask, were it now possible, not to feel assured from the circumstances that had since taken place, contrasted with the statement of the learned lord, to which he alluded, that all that had been said about that disaffection then existing, was highly extravagant, if not grossly slanderous? But, whether it existed or not, its extent or character was not now the question: allowing that it was as prevalent as the learned lord assumed, it was at least the duty of the law officers of the crown to conduct themselves so as to afford those whom they brought before the tribunals of the country, were they guilty or innocent, a fair and impartial trial. Such fair and impartial trial, the panel M'Kinley, whose case he was about to detail, had not received. He repeated, that he disclaimed all concern with the guilt or innocence of the persons accused. Even if guilty, the obligation was imperative, that the fullest impartiality and fairness should be afforded them on their trials. And here he must observe, that the uncalled for and exaggerated statement of the learned lord last session, and particularly the improper and uncalled-for production to this House of the odious oath which had been disclosed by the secret committee before the report of that secret committee had been made, tended not only to inflame the prejudices of those who heard it, but must have had an influence prejudicial to the accused amongst those who were likely to serve on the juries, that were to pronounce on their guilt or innocence. He must be allowed also to state, that the system which had been for months back introduced into all parts of the country, of employing spies in the manufacturing districts, for the purpose of watching the progress of popular discontent, has not alone produced incalculable mischiefs, but had led to a total misconception of the real feelings of the population of the country. For his part, he had documents in his possession which enabled him totally to deny these sweeping charges of disaffection — there was not one solid ground, he was proud to say, on which such suspicions could be supported.

Before he entered into the particulars of the trial, to which the record for the production of which he should move, referred, he begged to be understood as entertaining towards the learned lord no feelings of hostility. When he spoke of his conduct, he must be understood to allude only to his official character. He was anxious to say so, because he felt the case to be so extremely strong, that it could not be applied to a private character without conferring infamy. In all that he had yet said, or intended to say, he felt himself borne out by the judicial proceedings; and if in describing the transactions to which they referred, he was compelled to use strong language, it was, because strong language could alone speak of that conduct as it deserved. He must, however, explain to those unaccustomed with the administration of law in Scotland, and who might imagine, that when he used the term "subornation of perjury," he meant to charge the law officers with wishing or endeavouring to bring forward perjured evidence, no such object was in his contemplation. Such a charge would, indeed, infer a guilt of much deeper dye, than even that guilt bad as it was, which he was about to make, and which the record would substantiate. The course of proceeding at the commencement of a trial in Scotland varied considerably from the practice in this country. Writs of error from the high court of justiciary were not competent in Scotland—motions to the court to alter or qualify the verdict were, he believed, not known—and cross-examinations at the trial were far more limited than here. As a substitute, however, for these forms of law, but substantial fences of justice, they had in Scotland a solemnity of the gravest importance—he meant what was termed the purgation oaths—and these oaths are administered by the court, to every witness, in a criminal process, before he can open his lips in evidence. In the case before us, the trial of M'Kinley, the first witness called was John Campbell, and before he was allowed to enter into the detail of his evidence, three distinct questions were put to him by the court. First, "do you bear any malice or ill will to the panel?" Should the witness give an answer to this interrogatory in any way ambiguous, it was for the court more closely to examine him. Secondly, "has any body taught or instructed you what to say as a witness?"—The House would understand that this question was direct. It had no reference to the truth or falsehood, of what a witness might be instructed to say, but went to ascertain whether instruction of any kind was given; and if given, the witness was disqualified. The third question was "have you received any reward, or promise of any good deed?" It was not that the reward should be conditional, on the nature of the evidence, be it false or be it true—if reward was promised at all, that alone set aside the witness.

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* See Vol. 35, p. 729.

It now remained for him to advert to the evidence which had been offered to the court, and he felt confident that every man who heard it must admit that it fully made out his case. He had first to premise, that on the trial of M'Kinley an objection was tendered by the counsel for the panel, to the competency of the witness, John Campbell, on the ground that he had been refused access to that evidence. The counsel had applied to the goaler for access to Campbell, but was refused under the orders of the lord advocate and subordinate officers of the crown. The court overruled the objection, on the plea that application for access should have been made to the court, and not to the lord advocate. But what said the learned lord himself on that point? He said, that he had refused access to the witness, "to prevent tampering." [Hear, hear.] And yet any man who attended to these proceedings, must acknowledge, that the whole evidence of the witness Campbell, exhibited one continued system of gross and palpable tampering on the part of those very law officers of the crown, who appeared so jealous and fearful of all tampering but their own. How the learned lord could have prevailed upon himself to give that answer, he was at a loss to conjecture, for the learned lord must have known that the whole of the law officers had continued access to Campbell; and what took place at these interviews, he, for his part, could call by no other name than palpable tampering. When, however, the oath was put to Campbell at the trial, and the third interrogatory was asked respecting the promise of reward—to the surprise of the whole court, the answer of the witness was, that he had received such a promise. Upon that answer, therefore, he grounded the present motion for the production of the record. From that instrument the House would be able to judge of the tampering in the gaol, and of those other incidents which he felt were abundantly sufficient to establish the charge he made against the crown officers of endeavouring to produce against the accused, evidence, which they must have known from their own previous tampering, would have been if not disqualified by its own confession, perjured evidence, in order illegally to convict the panel. Campbell made an open declaration in court of the tampering that had been practised with respect to him. He stated that he had been apprehended along with M'Kinley on the 22nd of Feb. last, and lodged in Glasgow gaol, without cause assigned, and without a warrant. That on the Tuesday or Wednesday following he was examined before the sheriff depute of Lanarkshire, and was interrogated if he knew what he was brought there for. That he answered that he did not know, and that the sheriff stated that he did, and it would be wisdom of him to make his breast clean. That after some similar conversation, the sheriff went out leaving him (Campbell) with Mr. Salmond (the procurator fiscal). That Mr. Salmond came up to him saying "John, you perhaps do not know that I know so much about this affair; I know more about it than you think I do; I suppose you do not know that I have the oath you took at Leggatt's on the 1st of January." That Mr. Salmond then showed him the scroll of an oath, saying, "you see John I have got it. You and other persons (whom he named) took that oath in Leggatt's on the 1st of January." That he (Campbell) then told Mr. Salmond that he had not taken the oath. That he was often before the sheriff, and closeted with Mr. Salmond, on one of which occasions, after using many entreaties to him in vain, after railing at the prisoners as villains who had betrayed him (Campbell) and that stating that it was out of respect to him that he wished him to be a witness. Mr. Salmond said, "John, I assure you that I have six men who will swear that you took that oath, and you will be hanged as sure as you are alive."—Could any threat be more likely to operate on the fears and hopes of a man who was afterwards to become a witness?—Campbell proceeded to state, "that on telling Mr. Salmond that if he got six men to swear that oath they would perjure themselves, Mr. Salmond answered, 'John, 'John, it is impossible to get six men to 'perjure themselves. You will ruin yourself if you persist in this way, but if you 'take the other way you will do yourself 'much good.'" Was not this gross and palpable tampering? Could evidence thus acquired be described, according to the administration of the law in Scotland, in any other terms than as a subornation of perjury? Campbell then went on to inform the court, "that Mr. Salmond told him that the lord advocate was in Glasgow, and would come under any obligation he chose if he would be a witness." He (lord A. Hamilton) wished to explain here, that persons not well acquainted with legal forms and offices in Scotland very frequently confounded the title of lord advocate with that of advocate depute, and that it was the presence of an advocate depute, not that of the learned lord, which formed the subject of the observation made to Campbell. This appeared from the continuation of Campbell's narrative, viz. "that shortly after, he was taken before the sheriff, when Mr. Drummond, advocate depute, came into the room, after which he was examined, but the subject of the obligation was not then mentioned; and that in a few days afterwards he was removed to Edinburgh Castle. That when in the Castle of Edinburgh Mr. Drummond came to him, and mentioned that M'Kinley had been served with an indictment, and that his (Campbell's) name was in the list of witnesses; and that now was the time for him to determine whether he would be a witness or not. That he stated that he did not wish to be a witness, and that he (Mr. Drummond) knew that if he was, he need not go back to Glasgow, as he could not live there. That Mr. Drummond's reply was that he was quite sensible of that, but that he might go and reside somewhere else, and that he might change his name; but that he (Campbell) said he would not change his name, and that it would be much the same if he lived in any manufacturing place as in Glasgow. That Mr. Drummond then said he had been thinking of a plan of writing to lord Sidmouth to get him into the excise." It could hardly be disputed he (lord A. Hamilton) imagined, that this was holding forth a hope and promise of reward to one who had been previously told, that there were six witnesses prepared to prove him guilty of the offence on suspicion of which he had been apprehended. With such facts on the record, was it possible that any hon. member could get up and state that no promise of reward was held out to induce the witness to criminate the accused? Campbell (who objected to the situation of an exciseman as exposing him to risk and ill-will, which he did not choose to encounter, also stated, "that at an interview after what he had mentioned, Mr. Drummond asked him what he wanted to have; that he (Campbell) remained silent and made no answer. That Mr. Drummond then said, that if he would give such information as would please the lord advocate" (he begged the House would mark the words, 'please the lord advocate'), "he should neither be tried himself, nor made a witness."

Undoubtedly, he was not prepared to say that the lord advocate was privy to all these attempts, and the manner in which they were conducted; but the presumption was, until it should be fully disclaimed and contradicted, that the immediate authors of them were acting in concert with him, and for the present, therefore, such he should consider to be the fact. It was for the learned lord to prove that he was no party to these gross and unjustifiable proceedings. If in the course of the discussion the learned lord should in his place feel enabled to say—"True it is that from the record it appears that these tamperings were practised by Mr. Drummond, but they were practised without my knowledge or sanction"—if such should be the declaration of the learned lord, then he (lord A. Hamilton) was ready to separate the conduct of the one from the other. On the learned lord himself it rested to show that he did not act in concert with Mr. Drummond. And until he made that declaration the House had a right to presume that the acts of the advocate depute were the acts of the lord advocate. Campbell proceeded to state, "that to this observation of Mr. Drummond's he replied, that he did not know what information they wanted, or that he could give more than they already had; and that if his information did not please the lord advocate, he would lie open to every attack that could be made against him. That Mr. Drummond then said, 'I do 'not know what to do with you, Campbell; 'I wish to do every thing I can to favour 'you. I shall give you a day or two to 'think of it:' that Mr. Drummond added, 'do you wish I should come back again?' That after some hesitation, he (Campbell) said he might do as he pleased, and Mr. Drummond went away: that in a few days afterwards Mr. Drummond came back again, and said, 'Campbell, this is 'the last time; you must be determined 'now.' That he (Campbell) asked if he had written to lord Sidmouth, and Mr. Drummond answered he had not, as he had rejected it: that Mr. Drummond asked if he had made up his mind yet. That he answered that he had, upon conditions; and upon being asked what these were, he said that he wished to get a passport to go to the continent: that Mr. Drummond told him, he supposed there was nobody could stop him; and he answered, that being a mechanic, he believed the laws of the country did not allow him to quit it. That Mr. Drummond replied with a smile, 'Is that all; there is no 'question you will get that, and means to 'carry you there.' That they were standing while this conversation took place, and that he said, that, upon these conditions he would be a witness, provided his wife was also taken into consideration: that upon this Mr. Drummond said, 'Campbell, let us sit down that we 'may understand each other properly, as 'I would not wish that we misunderstood 'one another at the latter end:' That he mentioned to Mr. Drummond, that his wife was in a very delicate state of health, and had nothing but what she earned to support her; and that if it was known that he was to be a witness, she would suffer from ill-will by the public: that Mr. Drummond then replied, 'poor 'woman, she must be ill off,' and desired him to write a letter, and mark a one pound note in it, and give it to Mr. Sibbald, who would bring it to him, and he would put a one pound note in it for his wife. That Mr. Drummond also desired him to state to his wife that he was to be a witness, and to desire her to leave Glasgow, and go to his (Campbell's) father at Symington in Ayrshire. That he said that would be the first thing to discover that he was to be a witness, as his wife could not read writing. That after some conversation about writing to the town clerk of Glasgow, or some friend of his, it was agreed that he should write a letter to his wife, stating that a friend of his had sent her a one pound note to pay her expenses into Edinburgh by the coach, and that she would receive money there to carry her back again. That this letter was given to Mr. Sibbald (the gaoler) in consequence of the conversation with Mr. Drummond, but that some days afterwards it was brought back by Mr. Drummond, who told him that the lord advocate disapproved of sending such a letter, but thought it more proper that Mr. Salmond should be written to, to send for his (Campbell's) wife, and tell her that he wanted her to come to Edinburgh. That after this Mr. Drummond read to him a letter he had received from Mr. Salmond, stating, that a ticket had been bought, but a postscript of the letter mentioned that his wife, from her state of health, had declined to come. That Mr. Drummond returned his letter, which he burnt. He (lord A. Hamilton) would put it to the House upon this statement, if substantially true, whether the inference would not have been, had Campbell given evidence against the panel, that his evidence was perjured? At length the time arrived for the sheriff of Edinburgh, sir William Rae, to take Campbell's examination. Of this Campbell was apprized by Mr. Drummond. He stated to the court, "that he was informed by Mr. Drummond that the sheriff was coming to examine him; and it was agreed upon that in answer to the first question he (Campbell) was to state, and have it taken down, that he was to receive a passport to the continent, and the means to carry him thither, it being understood that Prussia was to be his destination. That the sheriff, and, as he believed, the sheriff substitute, the solicitor-general, the procurator fiscal of Edinburgh, as he understood, and a clerk, came into the room; and Mr. Drummond having asked him (Campbell) what he had got to say in the business, he answered, that, supposing he was concerned in that affair, and was to tell the whole truth, he did not consider either himself or his wife safe; and that without his getting a passport to go to the continent, and the means of carrying him thither, he could not be a witness; on which Mr. Drummond, turning to the solicitor-general, said, 'answer you that.' That the solicitor-general then ordered the clerk to write these words (as he thought)—'whereupon the solicitor-general assured 'the declarant, that every means neces-'sary would be taken to preserve him 'and his wife; and that he would get a 'passport to quit the country, or to go to 'the continent (he was not sure which), 'and the means to carry him thither.' That during that time the sheriff was walking up and down the room, which was a pretty large one, and when the above words were taken down he was desired to come and sign them. That the sheriff came and sat down at the table, and after perusing the paper for some time said, 'I will not sign this,' and added, that as he was an officer of the crown, it was his duty to see justice done; and he could assure him (Campbell) that if he were to sign that paper, he would not be answerable for it for a good deal, for that if he (Campbell) was brought to his oath, and should swear that he had received no promise of reward, and this paper signed, he would perjure himself. That he answered no, if it was considered as a means of his preservation; upon which he was supported in the same argument by Mr. Drummond. Upon which the sheriff said he would sign no such paper. That Mr. Drummond then proposed that it should be put down, that he was to get the means of carrying him to any of the British colonies, in place of going to a foreign kingdom; but the sheriff also refused that; and added, that he was willing every thing should be set down for the preservation of him and his wife, but nothing farther." Sir William Rae's refusal to sign this paper, however, did not prevent the other gentlemen from making it an agreement. Campbell proceeded to state, "that, after the sheriff's declaration, there was a pause for some time, when Mr. Drummond, looking at him, said, 'Campbell, you know whether 'you can be a witness on these terms or 'not.' He remained silent; and some time after, Mr. Drummond said, 'Now, 'Campbell, do you believe that we can 'do that for you which you expect, 'without its being set down in the paper?' And that at this time, as he thought, the sheriff was sitting at the table, the solicitor general and Mr. Drummond standing at the fire, and the other gentlemen walking about the room. That he answered, he knew they were able if they were willing. To which Mr. Drummond replied, could he rely upon them for that. He answered, 'May I?' Mr. Drummond answered, 'you may;' and that he (Campbell) said pretty loudly, 'well, then, I 'shall rely upon you as gentlemen.' That shortly after this he was allowed to write his declaration himself, all excepting one part, relating to a Mr. Kerr. That a few days after this, the sheriff, the procurator fiscal, and a clerk, came up to have his narrative signed, which was done; upon which the sheriff said to him, 'Campbell, 'after you have got clear of this, you had 'better go home to your loom, and let 'them rule the nation as they please.' That, upon this, he said, that rather than go back to his loom, he would be served with an indictment himself, even after all he had written. That the sheriff answered, he had nothing to do with that—it remained between him (Campbell) and others. That he was visited by Mr. Drummond after this, who ordered captain Sibbald to get him plenty of books, and that he has read nearly a hundred volumes since that time; that about a fortnight or three weeks before the trial, he wrote a letter to Mr. Drummond, that he was in need of a pair of shoes and a pair of trowsers, and that his wife was in need of money. That he did receive a pair of shoes from captain Sibbald, by the orders of Mr. Drummond, as captain Sibbald said, but that he could not then get any money; but that as soon as the first trial was over, he would get money. That he wrote another letter to Mr. Drummond, stating part of what was in his declaration, as a gentle demand for money, and received the same answer, that he could get no money at present, but that he would get some after the first trial was over; and that he (Sibbald) told him he had got this answer from Mr. Drummond. That although their engagement was not in writing, in consequence of the interference of the sheriff, and which writing was immediately burnt in the sheriff's presence, he considered it still a subsisting private engagement, upon the performance of which he thought himself entitled to rely; and that the declaration which he signed, and gave to the sheriff, was made upon a reliance on that engagement. That at the conversation with Mr.

Drummond, when he got an order to get the books, he was then cited as a witness on the trial of Andrew M'Kinley, and that the first book that he received from the library, in consequence of that order, was upon the 22nd day of April last. That he was not cited as a witness at the time he signed and delivered his declaration to the sheriff; and that the conversation about the books took place in the week that Mr. Drummond went to the circuit at Glasgow. That the first idea of apprehension of his being in danger was suggested to him by the sheriff and fiscal at Glasgow, who asked him if the reason why he would not be a witness was, that he considered his life to be in danger? That he could not say that he considered his life to be in danger; but that he did not choose to go back to Glasgow, after being a witness. That he did not tell Mr. Drummond that his life was in danger, as Mr. Drummond seemed to be impressed with that idea, and he (Campbell) continued to carry it on. That in the conversations above mentioned with Mr. Drummond, or any of the other gentlemen, there was no attempt whatever made to instruct him in any way as to what he should say in giving evidence as a witness."

He (Lord A. Hamilton) now conceived that he had stated enough to show that a promise was held out to the witness as a reward for his testimony; and that, from the time at which he was apprehended to the time of his appearance in court, he was under the sole control and influence of the law officers of the Crown. He would beg leave to remind the House of an expression which he was very happy to hear on a recent occasion fall from the attorney-general ,namely, that God forbid he, or any one officially connected with him, should have any intercourse with a witness in a case of public justice. He trusted that on the present occasion a sentiment so exalted would not remain in the hon. and learned gentleman's breast, but that he would repeat it in confirmation of his (lord A. Hamilton's) opinions. Indeed he trusted that he should that night hear nothing that was not consonant to so just a principle. Government had avowedly employed spies and informers, who, it was generally admitted, had, in many cases, fomented the evil which it was the object to counteract. And he begged now to notice the lamentable condition to which suspected persons, innocent or guilty, were thus reduced in this frank and free country. Any man was liable, on the information of these fomenting instead of detecting spies—out of malice, or to earn their pay—to be taken by secret warrant—to secret imprisonment—to distant gaol— all access denied him, "for fear of tampering"—a law officer to threaten or bribe—some accomplice to give agreeable evidence—under such circumstances, what chance had he of bare justice, much less of successfully encountering his enemies [Hear, hear!]. Such proceedings were in direct opposition to all that they had been accustomed to venerate in the British constitution. The facts he had disclosed amounted to subornation of perjury. He could find no other term adequately descriptive of the transaction; for had M'Kinley been convicted on the evidence of Campbell, that conviction must have been obtained by perjury on Campbell's part, in swearing that he had received no promise of any reward, nor had any private motive in giving his evidence, and M'Kinley would have had an undoubted right to say, that he had been convicted in consequence of the unfair practices of the law officers of the Crown. Had Campbell, stimulated as he had been, given false evidence, he should like to know whether the law officers of the crown would not have been answerable for the crime. He would go one step farther. Had M'Kinley been convicted on Campbell's evidence, in what situation would the country have been if he had been executed or transported, and if afterwards it had come out that Mr. Home Drummond had been guilty of the practices in question, and had combined with the lord advocate and the procurator fiscal in prevailing on Campbell to attach criminality to M'Kinlay, and to suppress all those odious and disgraceful scenes in gaol, the result of which disqualified him from giving evidence at all? He contended that the monstrous iniquity would have been thus exhibited of an illegal sentence, produced by illegal means, by the very persons who were bound by office to protect favourably rather than oppress unfairly; in plain words, we should have seen a conviction by means of a perjured witness—whose perjury was first manufactured by the law officers of the crown in gaol, and afterwards brought into court as sound and valid testimony, themselves knowing its base nature and illegal origin. It was the duty of the law officers of the Crown to uphold the dignity and interest of the laws; and he would ask whether, in the transaction under discussion, the law officers of the Crown in Scotland did not violate the sanctity and purity of the laws as palpably, and, indeed, more palpably than M'Kinley in the crime with which he was charged? [Hear, hear!].

What he asked of the House was simply the production of the record of the trial. He could not think that the learned lord could have any objection to be tried upon that document, the more especially when it was considered that it was the manufacture of himself and his legal colleagues. Such as the record was it was their making, and the detail of what they had done. Guilt might indeed fly from such a document, but surely, any one pretending to innocence could neither resist its production, nor dispute its testimony. he could not possibly anticipate a defence of such practices. It was quite impossible that any thing could be said in justification of them; the only difference between himself and the learned lord must be with regard to facts, to what actually had taken place, and he trusted the House, as in duty bound, would decide that difference by the production of the record. The noble lord then read the following extract from Hume's Treatise on the Laws of Scotland, on the subject of tampering with a witness. "If the prosecutor, or any for him, have tempted the witness with bribe or reward, this shall equally exclude his testimony *in odium corrumpentis*, whether the witness have yielded to or resisted the temptation. Under this head would fall any promise of pardon for other crimes, provided it came from the prosecutor or one authorized by him. Any magistrate who so far forgets his character, and mistakes his powers, as to give assurances of this sort, is indeed guilty of a wrong which may reflect on himself." [Hear, hear!] The noble lord concluded by moving,

"That there be laid before this House, a Copy of such parts of the Books of Adjournal of the High Court of Justiciary in Scotland, as contain the several libels or indictments, and the evidence, and the verdict and judgment, and all other proceedings in the case of Andrew M'Kinley, who was tried before the said High Court of Justiciary at Edinburgh on the 19th of July, in the year 1817."

The *Lord Advocate* said, he rose to take the earliest opportunity of meeting the charges which the noble lord had brought against him, but he wished, in the first instance, to endeavour to set himself right with the House on the charge of having practised on the House last session, by making an overcharged statement there, or one which had not since been fully substantiated. The statement which he made last session was precisely that which had been described by the noble lord. He had said that an oath, binding to the commission of high treason, had been administered to several hundreds of people in Glasgow and its vicinity, and the terms of that oath he had had the honour to read to the House. The noble lord had said that he had made that statement uncalled for. On that point he and the noble lord were at issue. Provided the statement was correct, he was persuaded that considering the subject which the House was discussing at the time, the report of the select committee, in which were included statements of transactions that had occurred at Glasgow, if it was in his power to communicate to the House any information on that subject, the noble lord was not entitled to say that such communication was uncalled for. Had he not made such communication, he should have been guilty of a gross dereliction of duty. Now, with respect to the fact itself. He would not go into the detail of the evidence before the high court of justiciary on M'Kinley's trial; but he would state, in as few words as possible, what was the charge against the prisoner, and what was the issue of his trial. The indictment charged the prisoner with having been guilty of administering an unlawful oath to a great many hundreds of persons in Glasgow and its neighbourhood, the names of many of whom were particularized. The issue of his trial was a verdict by the jury of "Not proven." He spoke in the hearing of gentlemen opposite, who were intimately acquainted with the forms of law, and the distinction of verdicts in Scotland. They would tell the House whether or not he was incorrect in stating, that the distinction in Scotland between the verdict of "not proven" and the verdict of "not guilty," was this:—that when the jury were satisfied that the *corpus delicti* charged in the indictment was proved, and that the person charged was implicated in the guilt, although the legal evidence was insufficient to convict him, they returned a verdict of "not proven;" but that, if they were of opinion no *corpus delicti* had been proved, they then returned a verdict of "not guilty." In the case in question, the verdict of the jury was "not proven." The inference was—and he stated it without fear of contradiction—that the general fact charged in the indictment, of an illegal oath having been administered to several hundreds of persons in Glasgow and its vicinity, had been admitted by that verdict to be well founded. The result of the trial of M'Kinley, had, therefore, substantiated the statement which he (the lord advocate) had felt it his duty to make in that House last year.

Before he proceeded to any farther explanatory details, he would just observe, that the noble lord had been incorrectly informed with respect to the objection of the prisoner's counsel to the admissibility of Campbell as a witness. He held in his hand the notes of the short-hand writer who attended on the occasion, and who was quite uninfluenced on the subject, being, he believed, in no way connected with the parties; which notes had been transmitted to him, and were, he understood, preparing for the press. Though the noble lord had read the record, he did not appear to have attended to the nature of the objections which his learned friend, the counsel for the prisoner, had made to the admissibility of Campbell as a witness. He would read to the House from the notes which he had described the passage to which he alluded. It was the following:

"First witness, John Campbell, called. Objected to by the counsel for the prisoner on two grounds. 1st, He is not sufficiently designed in the list of witnesses. He is designed prisoner in the Castle of Edinburgh. Under this designation it is impossible for the prisoner to identify the witness, access having been refused to him by the express desire of the lord advocate. There may be many John Campbells, prisoners in the Castle of Edinburgh. The object of designing witnesses on the list given in, is to enable the panel (prisoner) to ascertain who they are, and to make proper inquiries concerning them. 2dly, All access was refused to this John Campbell, so that the prisoner, and those charged with conducting his defence, were prevented from examining him, to know what he knew of the matter imputed. All this was done by the act of the prosecutor, who is therefore barred, *personali exceptione*, from examining the witness. Application was made at the castle by the agent for the panel, for admission to the witness. He was told by the fort-major, that his orders were, to admit no person to see any of the prisoners, without an order in writing from the lord advocate. Application was then made in writing to Mr. Warrender, the crown agent, for admission to see Campbell, who was stated to be a witness to be adduced against the prisoner, and contained in the list of witnesses served on him. In answer to this application, a letter was received from Mr. Warrender, on the part of the lord advocate, refusing the application. This witness, it was also understood, was secluded and kept in close custody, upon a charge of treason directed against himself. At all events, his seclusion was by the act and authority of the lord advocate. Suppose the prosecutor were to take a witness, and to lock him up of his private authority, where he could not be got at by those acting for the panel, would it be any answer to say, 'You might have applied for a warrant from the court of justiciary?' The reply would be obvious 'You, the prosecutor, cannot take advantage of your own wrong.'"

It appeared, therefore, that the counsel for the prisoner objected to Campbell as a witness, first, because he had not been sufficiently designed in the list of witnesses, and secondly, because admittance to him in the Castle of Edinburgh, in order to ascertain the nature of the testimony which he was prepared to give, had been refused; but not at all—as had been asserted by the noble lord, because he had been tampered with as a witness. That was an entirely improper and unfounded statement.

One of the most prominent features of the noble lord's speech was his assertion of the attorney-general's declaration, that he could not in the due discharge of his duty communicate with a witness previous to trial. Whatever might be the practice in England, it was impossible, according to the established laws of Scotland, that it should prevail in that country. Some communication with the witnesses was indispensable for the furtherance of public justice. The duties of the attorney general of England and the lord advocate of Scotland were in many respects different. The lord advocate was not only the public prosecutor as the attorney-general was, but he was likewise a police magistrate. This arose from the circumstance of Scotland being a separate government without having a resident administration. Every body who knew any thing of Scotland, knew that whenever the public tranquillity in that country was threatened, the lord advocate received daily applications from the magistrates in every part of the country, requiring his active exertions for its maintenance. It was therefore an imperative duty on the lord advocate, to take every means of obtaining such information as might enable him to avert any disturbance of the public tranquillity. He was speaking in the presence of persons who knew that from the Union to the present time such had been the case. The records were in the proper office, which would show, that when any information was required for the security of the subject, that was to be sought from the person who held the office of king's advocate. In that respect the office of lord advocate differed considerably from the office of attorney-general. The latter was not expected to seek for any such information, the duty of obtaining which was was entrusted to the secretary of state. But in Scotland, if the king's advocate should neglect to do any thing which he had stated, it would be to his own peril, if any thing should endanger public tranquillity which he might have prevented. It was necessary that he should take every measure which the secretary of state took, to enable him to prevent dangerous proceedings. And besides being the public prosecutor, and being obliged to manage the public business in court on behalf of the public, he acted in some measure as the grand jury of the country. All precognitions were upon his own motion, upon his own direction to the magistrates, or upon that of the procurator-fiscal; or if they should not be exactly under his own eye, they were transmitted to him or to the depute; and if in the course of his investigation it appeared that all the witnessess were not examined, that there was proof that other persons had not been examined, who might have been so, and that a different line of proceeding might be taken with advantage, he was bound by law to give directions for such farther investigations as might tend to a more satisfactory issue.

With respect to the examination of witnesses by the law officers of the Crown in Scotland, there were innumerable instances of its occurrence. If the noble lord would look to the 130th page of the 2d volume of Hume's Commentary on the Laws of Scotland, he would find sufficient evidence of what he had said. He would see, that about the year 1738 and 1739, lord president Forbes, and the lord president Dundas, went to the gaol, and had examinations taken, and that there were convictions upon examinations made in the gaol by the public officer to whom he had alluded. There were some cases which were not to be found in the book. There was one, the case of the son of a viscount, in which the whole of the king's counsel went together, and conducted the precognition. He had stated this to show that there was nothing unusual—nothing extraordinary—in going to the gaol for the purpose even of examining witnesses, in case nothing improper took place during such examinations. And he should then take the liberty of observing, that the lord advocate had a most material interest in the proceedings being regularly conducted, that the depositions should be regularly taken, and that informations should be ample and sufficient, before any prisoner was brought up on his trial. When he disregarded that most important duty, he was liable to the persons charged in the penalties of the law, in reparation and damages, if he brought an improper prosecution.

Having occupied the House a considerable time with what he had already stated, he should now enter on the particulars of the case: and here he begged to say, that he by no means wished to separate himself in this transaction from his friend Mr. Drummond. For sending that gentleman to the Castle in the case in question, he (the lord advocate) was responsible, and in going thither Mr. Drummond had only discharged a duty very irksome in itself, and which he (the lord advocate) regretted to be compelled to press on any person of liberal acquirements and habits; for to hold communication with any person in Campbell's situation, could not but be very disagreeable to any gentleman whatever. The duty was, however, imperative. Certain persons having been apprehended at Glasgow, on the joint evidence of the sheriff depute and other magistrates, on their information he (the lord advocate) laid the indictment against M'Kinley. In one and all of the declarations of the persons so apprehended, Campbell was pointed out as capable of giving information on that part of the subject which appeared to be most intimately connected with the preservation of the public tranquillity in Glasgow, and the neighbouring districts, and even in all the northern parts of England. Under those circumstances, acting on his official responsibility, and with a view to maintain the public peace, he had directed Mr. Drummond to go to the Castle, in order to learn if the individual in question, on promise of pardon, would communicate information on the subject. Mr. Drummond was not authorized to promise Campbell any situation. In reporting to him (the lord advocate) the conversation which he had had with that individual, he never stated that he had made such a promise, and he (the lord advocate) now distinctly denied, on Mr. Drummond's part, that any such promise had been made to Campbell by that gentleman.

He should now state what took place between Mr. Drummond and the prisoner, though in stating that, he was aware that he was merely producing the statement of a man not upon oath, opposed to the oath of another person who had been examined by the court. But though he was so examined, that did not make his evidence altogether credible. In the situation in which this witness, Campbell, stood, his evidence, when not corroborated by other witnesses, could not be considered as conclusive. He would ask, if any man could doubt, from what even Campbell himself had stated, that he had an interest in disqualifying himself from giving evidence? He had a palpable interest in not giving his evidence. He would admit that he had authorized Mr. Drummond to promise to Campbell, if he gave evidence, he should have a satisfactory security of his being sent abroad. If he gave evidence, he in the first place secured his own life, and in the second place he secured the conviction of the party: but then, in consequence of this conviction, he considered that he could not himself be secure in his own country. Now, by not giving evidence, from his disqualifying himself, his own life was not only not endangered, but there was no necessity for his being sent abroad. But he would say farther, that Campbell's evidence was contaminated in other respects—it was liable to suspicion on other grounds. It was stated in the passage of the report of the trial, which he had just read to the House, that an objection was brought forward by the counsel for the prisoner, that he had had no access to Campbell to know what evidence that witness would give. Now he would ask an hon. and learned gentleman in the House, who was counsel on that trial, to contradict him if he could, when he stated that two of that hon. gentleman's learned friends were acquainted a fortnight before with the nature of the evidence to be given by the witness that day. He did not say that the hon. and learned gentleman himself knew of this—but two of his colleagues did. Nay, there was proof that what he had stated was true, and could not be contradicted; for Mr. Jeffrey, after Campbell had delivered his evidence, stated, that he was prepared, step by step, to corroborate the whole of what the witness had said. Now he would say here was at once evidence of a previous communication with Campbell—and he would ask after that, if it was likely that Campbell was afterwards in distress, in consequence of giving his evidence without reward? He would oppose to the evidence of Campbell, a statement made to him by Mr. Drummond. The statement made to him by Mr. Drummond was this—that on going to the Castle to visit this person, he had stated to him, that he was in the greatest terror of his life if he gave information; that at that time the only object that Campbell seemed to have in view was, the obtaining a promise from him of some measures to insure his safety after giving his evidence. After this Mr. Drummond did not go to the Castle of his own accord, but was sent for by Campbell. The person who came to him was the gaoler, who said that Campbell was anxious to see Mr. Drummond. He went accordingly, when Campbell told him, that as a condition of his giving evidence, he wished to have a passport, and means to go abroad; that in such a case he was not only prepared to give evidence, but information; but that otherwise he could neither give evidence nor information. Mr. Drummond then stated, that without consulting him (the lord advocate) and having his authority, he could not take that course. Accordingly, Mr. Drummond communicated the proposition of Campbell to him, and after consultation with the other law officers of the crown, and after considering the question of law in the best manner they were able, they came to this conclusion, that they were not only entitled to make the witness the promise of a passport and the means of conveying him to a foreign country, but that they were even bound to do so—that they were bound to afford him protection in a way which he himself conceived was the only available way. He directed Mr. Drummond, therefore, to make a promise to him, that what he requested should be done. On the same occasion Mr. Drummond communicated to him, that the prisoner was under the greatest apprehension on account of his wife—that he was desirous of having her brought to Edinburgh, to be near a sister, and that he had applied to him for money for that purpose. Mr. Drummond said he had told him that he could do nothing on this subject without his (the lord advocate's) authority. A letter from Campbell was afterwards brought to him. He stated positively, that as to giving any money to induce him to give evidence, that he could not do, and it ought not to be done; but he trusted that gentlemen on the other side of the House would not think that in the situation in which the witness stood he had done any thing unbecoming and improper in endeavouring to alleviate his case by bringing the woman to Edinburgh. On being informed of this request of Campbell respecting his wife, he gave directions that a place should be taken for her in a public conveyance by the magistrates of Glasgow; although he really did not know whether or not she ever came to Edinburgh. Whether this conduct on his part and the part of the other law officers of the Crown on this occasion was legal or illegal, it was at least that of persons acting *bona fide* — who considered they were doing their duty; and that they were not acting illegally. Had they considered they were acting illegally, instead of sending for the sheriff, the sheriff substitute, the procurator fiscal, and the sheriff clerk, they would have made a promise to Campbell in secret. Should they have thought of having these magistrates present, when the promise would have been equally available without the magistrate? All this stood on record on the evidence of Campbell himself. He stated, that the sheriff substitute, equal in authority to the sheriff, began to take the declaration, and the witness stated something as to the terms he had himself mentioned, as he believed, to Mr. Drummond, the sheriff-substitute, and the procurator fiscal; and Mr. Drummond asked Campbell what he had got to say? The deponent answered, suppose he communicated that affair, and was to tell the whole truth, he could not consider either himself or his wife safe, and without a passport and means to go abroad he would not be a witness. To this the solicitor-general made a reply, amounting in truth to this, that the prisoner might consider that such means as were necessary to his safety would be taken;—that he should be sent to the continent, and that he should have a passport and means of conveyance. That as this proceeding took place the sheriff entered, and he then stated he was aware that the witness had endeavoured to give another colour to the transaction, but he should show that what he stated could not be true, from what he afterwards said—the sheriff then said, that a statement of such a kind was not usual in a declaration, but he would verbally assure the witness that he should be protected. On which the solicitor-general said, "You know then what to expect." In his account of this part of the proceeding, the witness stated that sir Wm. Rae, the sheriff, said, "I will not sign this;" and added, as an officer of the Crown, it was his duty to see justice done; and he assured them, if he were to sign it, he would not answer for it for a good deal; that, in that case, when the witness should be asked if no reward, or promise of reward, was made to him? if he answered in the negative, he would be perjuring himself. But what the witness afterwards stated carried with it the contradiction of this account. Mr. Drummond, he said, then tried to modify the affair, by suggesting the British colonies instead of the continent. But what was the difference, he would ask, between conveying him to Prussia and conveying him to the British colonies, if the whole was an illegal transaction?—Would not the sheriff, would not the other gentlemen there have protested against the one as well as the other? Was it possible to imagine also that the paper would have been destroyed in order to conceal what had passed? They were bound to preserve all the evidence taken by them, whether for or against the prisoner. It was not the sheriff, but the clerk, when the evidence was taken, who was bound to preserve it *in memoriam rei*. It was impossible, therefore, to think of sheltering the Crown counsel, even if such a thing were wished. They were desired to believe, that the sheriff had assented to the modification suggested by Mr. Home Drummond; but he would say, that if the first proposition was illegal, the second was not less illegal; and they would have been acting illegally in taking the second declaration, as well as the first.

The noble lord had stated correctly the initiative question in the examination of witnesses in Scotland. The witness was asked, if he bore any malice against the prisoner—if he answered yes, the court then endeavoured to ascertain what the nature of the malice was—whether it was such as would induce the witness to swear falsely against the prisoner. The witness was then asked, if he had been told what he should say—if he answered yes; he was asked what he had been told to say? When he was asked, if any person had told him what to say, and he answered yes—that was in itself no objection, but if he told what he had been instructed to say, and it appeared to the court that this would lead him to give false evidence, then the court would reject the witness. In the same when the third question was put to him, whether he had received any reward or promise of reward, the court would examine into the nature of the reward, whether it was such as had a tendency to lead him to give false evidence. A court could not consider every reward as completely subversive of every testimony—because in that case no *socius criminis* could ever be a witness. Such a person must state that he came forward under a gift—the absolute promise of a free pardon. He would on this subject read a passage from a book, which, with whatever authority, it might be received, referred to the last case which had been decided. It was from the work of Mr. Burnet, p. 416. Here the learned lord read a passage, in which a case decided on the 8th of December, 1799, was cited. The court had decided that a promise of reward to a witness if he spoke out, did not disqualify him—but if he was promised a reward on condition of his giving such and such an evidence, the objection to his evidence ought to be sustained, as this amounted to a bribe to give a particular evidence. The noble lord had therefore been misinformed as to the law of Scotland on the case of a promise of reward to a witness if he spoke out. But was this, he would ask, the law of Scotland alone? He would state, with deference to the House, that it was also the great constitutional law of this country. This House would recollect that, on the trial of lord Melville, three questions had been put to the twelve judges, as to the admissibility of Mr. Trotter's evidence. On two of these questions the judges were divided, and a bill was brought in to obviate the difficulty. The third question, however, was, whether a person could properly be examined as a witness on such a trial, who, by the evidence he might give, might either discharge himself from a debt, or render himself liable to it. Lord chief justice Mansfield delivered the unanimous opinion of the judges, that the objection of his being an interested witness ought to be repelled—as whatever was offered on condition of his making a full and fair disclosure, could legally make no difference with respect to his evidence, he being bound by his oath, by law, morality, and honour, to declare, the truth, the whole truth, and nothing but the truth. This was the law of Scotland, and the constitutional law of the country. It was a fact that after Mr. Trotter had been examined as a witness before the high court of parliament, he was sent for by the committee of managers of that prosecution, and again examined by them before he was next day put into the witness's box. Understanding that such was the law of Scotland, he had certainly entertained it as his opinion that he could make a promise of protection to the witness, and on that opinion he had acted and promised the witness protection, and in the way alone which he himself considered available. Why was it that a *socius criminis*, was promised a pardon and a witness protection? It was that they might come forward to give evidence unbiassed, by fear either of the prosecutor or the prisoner respecting their evidence. In some situations in a neighbouring country, Ireland, a guard of soldiers had sometimes been ordered to afford protection to witnesses. Now if from a situation in which there was a great and extended conspiracy, comprehending two or three hundred men, bound on oath to avenge any disclosure of their plans, it could not be safe for one of the conspirators to give evidence, was it not the duty of the prosecutor to endeavour, as far as he could to screen the witness from danger? He was therefore, he considered, justified in promising this witness a passport, and if he had not the means, to have him conveyed abroad at the public expense.

There was one part of the deposition of Campbell which the noble lord had read in rather a lower tone of voice than the rest,—the concluding part of what he had stated respecting his conversation with Mr. Drummond. He had there stated that no attempt was made to instruct him as to what he was to say. The same was stated by sir William Rae. And from the beginning to the end of the deposition, he never alleged that one question was put to him by Mr. Home Drummond, or any other person, as to the practices in which he was engaged. If they had had any sinister purposes in view, would they not have endeavoured to effect it by putting such leading questions to him? But they had acted with that regard to the purity of testimony, that they had not put one question to him from beginning to end with respect to his own conduct. Stress had been laid on Campbell's statement, that he was to give information to please the lord advocate. But he stated that this was not to come forward as a witness, but in a previous examination. He was told, that if he would give such information as pleased the lord advocate, he would neither be tried himself, nor should he be brought forward as a witness. This was merely for the purpose of learning the fact. For what earthly purpose should he ask Campbell to tell him what was not true, when he could neither be brought forward as a prisoner, nor as a witness? If he could not be produced on the trial, it would be in vain for the lord advocate to allege that he had received such and such information from a third party who was not forthcoming. There was not any attempt here to lead the witness. If he was not promised a reward to give evidence in a particular way there could be no exception taken to him, nor could any charge of illegal conduct be brought against the person by whom the promise was made.

With regard to certain indulgences shown to the witness, Campbell, as the noble lord had passed them slightly over, he was not certain whether he considered them in the light of rewards or not. They were not confined to the witness Campbell. Every indulgence was given to the other witnesses, as well as to Campbell. At the end of the trial too the prisoner M'Kinley, after thanking the court and the jury, concluded with thanking the lord advocate, "I wish to declare," he said, "that all liberty and indulgence was shown to me in my confinement, which a prisoner can expect under such circumstances." Whether the witnesses chose clothes or books, their requests were indulged as far as possible. All the prisoners and witnesses received that species of indulgence towards which their turn of mind inclined them. He remembered, however, that Campbell made at one time a demand for money—he had written three letters in all. One of his letters contained a pressing application, on the ground of his wife's being brought to bed, for twenty-three shillings; but he (the lord advocate) had caused it to be distinctly intimated to him in reply, that he should not have any money. The noble lord had stated, with respect to the examination of Campbell, that all was intended to remain a secret. But he would tell the noble lord, that the moment Campbell was examined as a witness, all possibility of secrecy was at an end. The public prosecutor could be called on at any time for the declaration—the object of the intervention of the sheriff was to prevent secrecy—if the present prosecutor went out of office that the evidence might remain behind — and that it might be known, if blame attached to any person, what it was, that the prisoner might bring his action in case he considered himself aggrieved. The noble lord in stating that it was intended to bring forward Campbell as a witness to hang M'Kinley was inaccurate, because before Campbell was brought forward, the prisoner was out of all jeopardy as to his life, as he, the lord advocate, had contented himself with concluding for an arbitrary punishment.

He trusted that the explanation he had given would convince the House that the noble lord was in an error with respect to the law of Scotland and the constitutional law of the country. But he wished to observe, in conclusion, that by this parliamentary discussion the noble lord was interfering with the administration of justice of the country. Not one of the prisoners was arrested or tried on the suspension of the Habeas Corpus act. Every one of them was taken up on the common law of the country—and an action lay against the prosecutor for the Crown for having acted wrongously, and thus he was interfering with the remedy of these prisoners. They were entitled not only to prosecute him criminally, but to bring a civil action against him with the view of obtaining damages. He had now answered all the charges which the noble lord had brought against him, and he thanked the House for the patience with which they had heard him disprove the allegations. He had no doubt whatever that they would act on this occasion as the House had acted in the year 1794, when Mr. Adam moved for the record of the trial in the case of Palmer and Muir.* It was then urged by the learned lord who held the office he now filled, that such a proceeding was liable to numerous objections, and after considerable discussion, the House were of opinion that the record ought not to be produced. He trusted that a similar decision would be come to by the House on the present occasion.

Mr. *J. P. Grant* spoke as follows:—Sir; alluded to as I have been by the learned lord, and having been of counsel for the prisoner in the trial in which the conduct of the learned lord is called in question, I have thought it necessary to offer myself thus early in the debate to your attention. I beg to assure the House, that nothing would have given me more sincere pleasure than that the learned lord had succeeded in removing the imputation cast upon him by the evidence of Campbell. The learned lord may believe me when I state, that I have never approached any question with more personal pain than I approach the present; but this is not a question in which personal considerations can be indulged. If there be any question on which such considerations must be sacrificed, it is this which arises out of the evidence of this man. This is as grave a charge, and on a matter as vital to the interests of the country, as ever was preferred to parliament. Even those who do not know me will not suppose that I can rise in my place in parliament, to deliver the opinions, which I shall be compelled to deliver before I sit down, of the conduct of gentlemen with whom I am in the daily habit of professional intercourse, gentlemen against whose private character I know of no imputation; whose manners are conciliatory; some of whom are nearly allied to persons whose friendship I am proud to possess:—it cannot be supposed that I can deliver such opinions of the conduct of such persons, without feeling the greatest degree of uneasiness.

With regard to the disturbances at Glasgow; the extent of the conspiracy alleged to have existed there; and the justification of the statement made in this House, in the last session, on that subject, by the learned lord; when the time comes for going into it, and a fit opportunity shall offer, I shall be ready to meet the learned lord. But I now wish to stick to the question properly before the House—a question which is alone sufficient to arrest its whole attention—namely, the conduct of the law officers of the Crown in Scotland in regard to this witness. I will concede, for the sake of argument, all that the learned lord has stated to be true, respecting the extent of the conspiracy and the magnitude of the danger; I will assume that the person of whom I am speaking was actively engaged in that conspiracy: that he was one of the most guilty of mankind. All this will not weigh one feather in the balance in favour of the learned lord, or in justification of practices such as are imputed to the law officers of the Crown in Scotland.

The learned lord has said that my noble friend, in bringing forward this motion, is interfering with the ordinary course of the law; and he has stated, that the persons arrested were taken up, not on the new law suspending the Habeas Corpus act, or the similar act in Scotland, but under the common law of Scotland; and that the persons who think themselves aggrieved may commence criminal or civil prosecutions. But is it any thing to this House, intrusted as we are with the care of the lives and liberties of our fellow-subjects—with the superintendence of the courts of justice—who are bound to watch their conduct with a jealous eye, and still more especially the conduct of the law officers of the Crown—is it to be told us, sitting here in parliament, that private individuals may commence actions such as have been described? Sir, private individuals may bring such actions as the law allows, or they may abstain from so doing; but we have a great and important duty to perform to the public, from which, I trust, we shall not abstain.

Let us see what this charge is, and how it stands on the evidence of Campbell. To this I beg the serious attention of the House. The charge is two-fold. First, That the law officers of the Crown have tampered with a witness. Secondly, That, knowing that by the forms of the court a question must be asked him, which, in order to be a witness, he must answer on oath in the negative; they have, notwithstanding, brought this witness forward, knowing that, if he answered in the negative, he perjured himself [Hear, hear!].

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* See New Parliamentary History, Vol. 30, p. 1486.

I have now stated, as briefly and as clearly as I can, the accusations against the learned lord: I do not mean to say that they are true, but I will say that they are made on such authority, that they must be received as true in this House, till they are contradicted: and they stand to this moment uncontradicted even in statement, except by the statement of the learned lord, in this House. I will say for the learned lord and his coadjutors, that it is not fair to them to permit these accusations to stand uncontradicted. I will say it is not fair to this House, to ask of it to permit this evidence to stand uncontradicted on record: it is not fair to us, to ask that the record may not be laid on the table, that we may examine into the truth of this evidence. This evidence is contained in a deposition on oath of a credible witness, recorded in the books of the high court of justiciary. The deposition was taken down in writing, at the desire of the learned lord himself, contrary to the ordinary practice, and now forms part of the records of the court.

It is our duty, Sir, to have this matter clearly ascertained. The witness himself has taken pains, in the whole course of his deposition, to furnish the means by which, if untrue, his evidence may be contradicted: he mentions the names of many persons as privy to the transactions related by him, and states a number of minute facts: I will ask the House, I will ask my learned friend opposite (the attorney-general), if this evidence be not true, whether he has ever, in the course of his experience, seen a single case where perjury might be so easily detected? Now, months after months have elapsed since this trial, on which evidence was given, imputing to these learned persons things which, till now, I did not believe any man would have allowed to remain uncontradicted. Yet no prosecution for perjury has been brought. The learned lord has told us, that he acts as the grand jury in Scotland; he had nothing therefore to do but indict this man for perjury; and, I give him my word of honour, that he, the learned lord himself, could not be more pleased than I should have been, if the learned lord had succeeded in rescuing from this reproach his own character, and the character of the profession to which I have the honour to belong. Let it not be supposed that in any thing I have said of his conduct, I am actuated by any personal motives towards the learned lord. I can feel towards him, and towards the other unfortunate gentlemen concerned in this transaction, no sentiments but those of pity and compassion. I am actuated by considerations of public duty alone. And why should it be otherwise? Is there any thing in the private life of the learned lord which can induce me to bear rancour towards him? Is there any thing in his situation, notwithstanding he holds this important office, calculated to provoke political hostility? Where would be the victory over him? What party object could be accomplished by his defeat? This, Sir, is no party question. I am proud to say, that there exist persons in this country, who act together in this House, and elsewhere, to whom nothing is indifferent which concerns the public welfare, or the safety of the constitution. In this sense, this may be considered as taken up by a party. But in no other sense can it be supposed to involve any party question.

I request the House now to go along with me through the whole of this man's deposition, and I will ask them if they think the charge it contains ought to remain uncontradicted? The beginning of the statement is of use only to show the general spirit with which this business was conducted; but it is useful to this purpose; and the House, by the displeasure which it expresses, will teach all inferior magistrates that such practices cannot be suffered to pass with impunity. The deposition commences by stating that the witness was apprehended, and so on. "That he was taken to be examined before the sheriff depute of Lanarkshire; and being interrogated if he knew what he was brought there for? he answered, that he did not know. On which the sheriff insisted that he did; and added, "it would be wisdom of him to make his breast clean." He is then left with the procurator fiscal, Mr. Salmond, alone. At least the witness says he is not sure whether any other person was present or not. Mr. Salmond came up to the witness, saying "John, you perhaps do not know that I know so much about this affair;" and adding, "I know more about it than you think I do." He was often closeted with Mr. Salmond; on one of which occasions, after using many entreaties to the witness, and these having failed, after railing at the prisoners as villains who had betrayed him (the witness), Mr. Salmond said, "John, I assure you that I have six men who will swear that you took that oath, and you will be hanged as sure as you are alive." After this, Salmond said, "John, you will ruin yourself if you persist in this way; but if you take the other way, you will do yourself much good." [Hear!] "Depones, that after much conversation, the witness said he was not afraid of the one way, and he did not see much good he could do himself by the other. Mr. Salmond said, the lord advocate was in Glasgow." This was a mistake; Mr. Home Drummond, the advocate depute, was meant, and is by mistake here called the lord advocate, Mr. Home Drummond was at Glasgow at the time. "Mr. Salmond said the lord advocate was in Glasgow; and he would come under any obligation he chose, if he would be a witness."

The learned lord has said, that all that took place was for the purpose of obtaining information. But there was here, at the very first, no word of giving information. The reward was offered if he would be a witness. The witness then states, that he was taken again before the sheriff, and there, to confirm the circumstance that Mr. Salmond spoke from authority, Mr. Drummond, the advocate depute, came into the room. But the witness admits the subject of the obligation was not mentioned. He was then removed to the Castle of Edinburgh. There the operations of the advocate depute begin. "When in the Castle of Edinburgh, Mr. Drummond came to him, and mentioned that M'Kinley had been served with an indictment, and that his (the witness's) name was in the list of witnesses, and that now was the time for him to determine whether he would be a witness or not."

"The deponent stated, that he did not wish to be a witness, and that he, Mr. Drummond, knew that if he was, he need not go back to Glasgow, as he could not live there. Depones, that Mr. Drummond then said, that he was quite sensible of that, but that he might go and reside somewhere else, and that he might change his name; but the witness said he would not change his name, and that it would be much the same if he lived in any other manufacturing place as in Glasgow. Depones, that Mr. Drummond then said, he had been thinking of a plan of writing to lord Sidmouth, to get him into the excise, and that if he, the witness, chose, he would write to lord Sidmouth, and show him his answer."

This offer was made after the witness was told he was in the list of witnesses, that he must appear and give evidence, that he was in a situation where he could not help himself, where he could not avoid speaking out, but where he might avoid saying what would be agreeable to those who wished to produce him. The record goes on to state, that the witness answered, he did not choose to be an exciseman; and remarked at the same time, that it was perhaps the only office under government which he was fit for; but as it was an office attended with risk and ill-will, he did not choose to accept of it, as he had suffered already considerably in that way by being a peace officer. He was then asked what he would have, and afterwards the offer was made him to be sent abroad. Was this necessary to a witness who was already on the list, and might be compelled to appear? Was all this requisite for his protection if he spoke the truth? Was sending him abroad protecting him? Was the offer of making him an exciseman, an offer only of protection? But the witness adds, that nobody was present at this conversation, and that it was conducted only by Campbell and Mr. Drummond, and therefore it must rest on the testimony of Campbell. But its probability or improbability will appear from subsequent parts of the deposition. The witness did not take the office of an exciseman, as it was exposed to danger: then the advocate depute was ready to come to any other terms he chose: he says, if you will not be an exciseman, what then do you want? what will you have?—"Depones, that at the first interview, after what is above mentioned, Mr. Drummond asked him what he wanted to have."—Was there any question about giving information here? Was there any thing here like the fair and candid examination by a magistrate, of a person called before him to disclose circumstances material to the ends of justice? The advocate depute told him that he was already in the list of witnesses, that he must be put into the witness-box; and yet, he adds, "Now is the time for you to determine whether you will be a witness or not!"—[Loud cries of Hear!] Is any body so dull as not to understand the purpose of this conversation? He was already a witness, why then was he asked if he would be a witness, unless the question alluded to the nature of the evidence which it was wished that he should give?

Now, had all this about the exciseman's place been a fabrication, it is probable the man would have let it rest here. He would have been contented with having once announced it. But not so. In a subsequent part of his deposition he recurs to it again. A little farther on he says, that, at a subsequent interview, he asked Mr. Drummond " if he had wrote to lord Sidmouth, and Mr. Drummond answered he had not, as the witness had rejected it." Could all this escape the recollection of Mr. Drummond? The circumstances are most particularly stated. First, the offer made, which was declined.—Then, the conversation which ensued at the time.—And again, the subsequent mention of it, the question of the witness and the answer of Mr. Drummond.

I come now to what I consider as the most painful passage in this record. It is one on which the learned lord has particularly dwelt, and it is the only passage in which there is any mention of obtaining information. " Depones, that at the first interview after what is above mentioned, Mr. Drummond asked him what he wanted to have? The witness remained silent, and made no answer. Depones, That Mr. Drummond then said, that if he would give such information as would please the lord advocate, he should neither be tried himself, nor made a witness." Here is the distinction clearly drawn between the functions of an informer and a witness. The man is in no mistake. He knows well what he says. Mr. Drummond was willing to compromise the matter. The first attempt was to make him a witness. But this failed. He was offered an exciseman's place. But he refused. He is then asked what he would have?—He remains silent. And when Mr. Drummond finds he cannot prevail on him to be a witness, at least such a witness as he wanted, he is willing to compound for receiving information. He had refused " to be a witness;" and the advocate depute, after having told him that he was in the list of witnesses, and could be compelled to appear, now said, If you give information, you shall not be made a witness. Does not this mention of information, coupled with the offer of exempting him from being a witness, sufficiently prove that they had dealt with him as with a witness before? [Hear, hear!]

But this is not all. What is the threat held out to him? to this man whom they were endeavouring to prevail on to give evidence? Mr. Drummond begins with promises of reward, and concludes with no obscure hint of his danger. His interest is first appealed to by holding out the prospect of situations of advantage; and his fears are next assailed by intimating, pretty plainly, the possibility of his being tried for his life. However necessary it may be to hold out promises of pardon to those who are concerned in public crimes, and to make use of their evidence with proper caution, it surely cannot be maintained, on any plea of necessity, that such a method of procuring witnesses as is here divulged, supposing the statement to be true, is justified by law, or consistent with humanity. On this proposition being made to the witness, he hesitated. " He said that was an uncertain matter, as he did not know what information they wanted." And more to the same purpose. " Mr. Drummond then said, I do not know what to do with you, Campbell. I wish to do every thing I can to favour you. I shall give you a day or two to think of it. Mr. Drummond added, Do you wish I should call back again?" He will not leave him without the hope that his offers and persuasions may be renewed. As he is going away, he turns round, " Shall I call back again?" I do not state these assertions as proofs—and I repeat, that I desire to be so understood; but they amount to such a degree of probability, and are calculated to make such impressions, as ought at least to be met with some explanation or contradiction, if they are liable to be so met.

The witness proceeds to state, that when Mr. Drummond called afterwards at the Castle, where these conversations took place, he asked him if he had made up his mind? He answered that he had, upon conditions. The conditions were, that he should receive a passport to go to the Continent, where, being a mechanic, he feared that the laws of the country would not allow him to go. Mr. Drummond replied, " There is no question but you will get that, and means to carry you there." The witness then said, that, upon these conditions, he would be a witness, provided his wife was also taken into consideration; and on his stating that she was in delicate health, had no means of support but what she earned, and that he feared the public might manifest their displeasure at his becoming a witness by ill-treatment of her; Mr. Drummond desired him to write to her, stating what he was about, and that a one-pound note was inclosed, and desiring her to retire for the present to his father's, Mr. Drummond undertaking to furnish the one-pound note. The letter, however, was not sent, but the procurator fiscal of Glasgow was written to on the subject by the lord advocate's desire. I shall not trouble the House by going over more minutely the story of this one-pound note.

I now come to what summed up the whole of these proceedings. The witness says, that an examination afterwards took place in the presence of the sheriff, the sheriff substitute, the solicitor general, a clerk, and the procurator fiscal of Edinburgh. "He depones, that he was informed by Mr. Drummond, that the sheriff was coming to examine him; and that it was agreed upon, that, in answer to the first question, he (the witness), was to state, and have it taken down, that he was to receive a passport to go to the continent, and the means to carry him there, it being understood that Prussia was to be his destination; that the sheriff, and, as he believes, the sheriff substitute, the solicitor general, the procurator fiscal of Edinburgh, as he understood, and a clerk, came into the room; and Mr. Drummond having asked Campbell, "What have you got to say in this business?" the deponent answered, that supposing he was concerned in that affair, and was to tell the whole truth, that he did not consider either himself or his wife safe, and that without his getting a passport to go to the continent, and the means of carrying him there, he could not be a witness; upon which Mr. Drummond, turning to the solicitor general, said, "Answer you that." That the solicitor general then ordered the clerk to write these words, as he thinks: "Whereupon the solicitor general assures the declarant, that every means necessary will be taken to preserve him and his wife, and that he will get a passport to quit the country, or go to the continent (he is not sure which), and the means to carry him there:" that, during this time, the sheriff was walking up and down the room, which is a pretty large one; and when the above words were taken down, he was desired to come and sign this. Depones, That the sheriff came and sat down at the table, and after perusing the paper for some time, said, "I will not sign this;" and added, that as he was an officer of the crown, it was his duty to see justice done; and he could assure the witness, if he was to sign that paper, he would not be answerable for it for a good deal; for that if the deponent was brought to his oath, and should swear that he had received no promise of reward, and this paper signed, he would perjure himself. That the witness answered, No, if it was considered as a means of his preservation; upon which he was supported in the same argument by Mr. Drummond. Upon which the sheriff said he would sign no such paper. That Mr. Drummond then proposed that it should be put down, that he was to get the means of carrying him to any of the British colonies, in place of going to a foreign kingdom; but the sheriff also refused that, and added, "That he was willing every thing should be set down for the preservation of him and his wife, but nothing farther." That after the sheriff had stated this, there was a pause for some time when Mr. Drummond, looking at the deponent, said, "Campbell, you know whether you can be a witness on these terms, or not." The witness remained silent; and some time after, Mr. Drummond said, "Now, Campbell, do you believe that we can do that for you which you expect, without its being set down in the paper?" and that at this time, as he thinks, the sheriff was sitting at the table, the solicitor general and Mr. Drummond standing at the fire, and the other gentlemen walking about the room. That the witness answered, he knew they were able if they were willing. To which Mr. Drummond replied, "Could he rely upon them for that?" The witness answered, "May I?" Mr. Drummond answered, "You may;" and that the witness said pretty loudly, "Well, then, I shall rely upon you as gentlemen." After this he was permitted to write his declaration himself for the information of the law officers of the Crown, and was afterwards brought forward as a witness against M'Kinley at the trial.

Now, here we have the whole sum and substance of all the previous communications with Mr. Drummond brought together, and detailed in the presence of all these persons. The witness has himself furnished you with the names of all these persons. He has minutely described their positions in the room at the time. Could any thing be more easy than to contradict him if all this was a lie? There was Mr. Home Drummond. There was the solicitor general. It may be said they were interested to contradict him. They were nevertheless good witnesses against him, and would have been perfectly credible witnesses. But there was the clerk who sat at the table, and wrote the extraordinary instrument which was to record this yet more extraordinary bargain. He had no interest and could not have forgotten what passed. There was the sheriff who read and carefully considered the terms of the writing, and then refused to have any thing to do with the transaction. There was the sheriff substitute. There was the procurator fiscal. These persons had no interest; but were in every respect most unimpeachable witnesses. Why have not those persons been brought forward to contradict him?

It was agreed, then, that he should be carried to the place of his destination, which was Prussia. It has been said that it was fair to engage to carry the prisoner out of the reach of danger; but how does the fact appear? The trade to which he belonged was at the time paid at the rate of about 4*s.* 6*d.* or 5*s.* a week at Glasgow, with which the workman had to maintain himself and his family. It is notorious that the manufacturers of Glasgow were in a state of actual starvation, and equally well known that in Prussia great encouragement was held out to men in the situation of this witness. In truth, there was the greatest desire among them to obtain the means of going to Prussia. Can we then be told that this was not in the nature of a reward? Was it no offer of reward to offer to convey a man from a place where he and his family were starving, and where he felt his situation hopeless, to where he believed he would obtain an adequate recompense for his labour, and be placed in a state of comparative opulence?

I would beg to know how another fact can be got over. He wrote to Mr. Drummond for a pair of shoes, and a pair of trowsers, and some money for his wife. He got the shoes from the goaler, but was informed by him at the same time, that he could not give him any money till after the first trial was over, and that this was the answer he was desired to make by Mr. Drummond himself. If these were not facts, what could be more easy than to prosecute this man for perjury? He mentioned facts and circumstances which must rivet what passed in the minds of the persons stated to be present, or to have been privy to them, and those persons might appear as unimpeachable witnesses against him in a trial for perjury. He said farther, that the engagement, which had been reduced to writing, had been burnt in the presence of the sheriff. The learned lord admitted that a paper was burnt; but argues that because it was destroyed in the presence of the sheriff, we are justified in concluding that there was nothing in it but what might fairly see the light—[A laugh]. I will not consume the time of the House in replying to such an argument as this. I will leave it to the House to determine between the gloss of the learned lord on this fact, and the inference which I am disposed to draw. In doing so, they will decide whether, if that paper could be produced, it is probable that it would contradict the evidence of the witness. The man also states having received a number of books from a circulating library, naming the day on which he received the first. In short he has omitted nothing which was calculated to show the accuracy of his recollection, or to detect him if he swore falsely—[Hear!]. Another part of the evidence which I shall notice is the account which the witness gives of the manner in which the opinion of his life being in danger originated. The sheriff and procurator fiscal of Glasgow first asked him if he considered his life in danger. "Depones, that the first idea of apprehension of his being in danger was suggested to the deponent by the sheriff and fiscal at Glasgow, who asked him if the reason why he would not be a witness was, that he considered his life to be in danger? That he cannot say that he considered his life to be in danger: but that he did not choose to go back to Glasgow after being a witness. Depones, that he did not tell Mr. Drummond that his life was in danger;" but he admits that "Mr. Drummond seemed to be impressed with that idea, and the deponent continued to carry it on." So that the very idea of the danger from which they were so anxious to assure the witness they would protect him, was started by the law officers themselves. The witness not only did not consider his life in danger, but he never told any of them that he did consider it in danger. They took it from the first for granted; and were never at the pains even to question him seriously on the subject. But so eager were they to afford him their protection, that they never inquired into the reality of his danger, but were quite satisfied with their own impression, which, it seems, he had no desire to remove, but "continued to carry it on."

The learned lord has charged my noble friend with reading those parts of the evidence which are in the learned lord's favour in a lower tone of voice than those which he conceived to make against him. But I am not aware of any such difference. I believe my noble friend's tone throughout to have been sufficiently audible. And the nature of the accusation preferred by my noble friend, and the scope of his argument, show that he could not mean to sink that part of the evidence on which the learned lord relies. I will read it, for the learned lord's satisfaction, in a louder tone of voice. "Depones, that in the conversations abovementioned with Mr. Drummond, or any of the other gentlemen, there was no attempt whatever made to instruct him in any way as to what he should say, in giving evidence as a witness, &c."

Now I take upon myself distinctly to say, that if the witness did receive a reward, or the promise of it, on condition of giving testimony, though nothing should be said as to what the nature of that testimony was to be, the witness was by the law of Scotland disqualified. The sheriff has so decided in this very case; the court has so decided; the learned lord has himself so decided, by withdrawing his witness. Why did he withdraw the witness, but that he knew, that, if what he stated was true, he was inadmissible? We have the authority of the sheriff, who declared, that, if he took the oath, he would be perjured. We have the authority of the court, who declared that, if that had passed, which he swore had passed, he could not be received as a witness. Now, in opposition to this, the learned lord has quoted Mr. Burnet's book; and a case, I think, of a man of the name of Home. I beg to say, that the book to which he has alluded is not a good authority, nor is the case, if it be as reported, held to be well decided. I knew the author of that book very well. He was a very excellent and pains-taking man; but his book is not a book of authority; and as to Home's case, we have not the case fully reported. I have understood, that it was a case where a third party had made the offer to the witness, and it was decided, and, if so, it was without doubt properly decided, that the Crown could not be deprived of its witness by the act of a third party. If the learned lord means to say it is the law of Scotland, that a witness to whom a reward is promised for being a witness, is not disqualified to give evidence; I will meet him, not with my own authority, but with what is of much greater weight, the authority of some of the most eminent counsel at the Scots bar. An hon. and learned friend of mine, desirous of not trusting entirely to his own recollections of Scots criminal law, has been at the pains of obtaining an opinion, which I hold in my hand, signed by five eminent lawyers, whose names I do not think it necessary to mention.—[A cry of Name! name!]. The opinion, to which I allude, goes to state, that a person is disqualified from appearing as a witness, if he is adduced by the party who has promised him reward; and that the only case which seems to make against that opinion is the case of Home, mentioned in Burnet. But Burnet they considered as incorrect, and in their judgment of no authority—[The call to name was repeated]. I have no objection to read the signatures to this opinion, as it is the pleasure of the House that I should do so. They are these, George Cranstoun. [Hear! Hear!]—I hope the learned lord is satisfied—[Hear! hear!] James Moncrief, John Archibald Murray, Henry Cockburn, and J. Rutherford.—[Hear! hear! from the ministerial side]. I do not perfectly understand the meaning of these cheers, but I suppose they relate to most of these gentlemen having been of counsel for the prisoner. But I will ask the hon. gentlemen opposite, if they really think this shakes the authority of their opinion? I will ask my hon. and learned friend opposite, the attorney-general, whether, if my learned friend near me (sir S. Romilly) or any other of my learned friends, had been counsel in a cause, and were asked their opinion on an abstract point of law, which had been involved in it, he would consider their opinion as the less entitled to credit? Sir, there is not one of us, but, as lawyers and as gentlemen, would disdain to put our names to an opinion which we did not in our consciences believe to be founded in law—[Hear! hear!]. On the authority of these five respectable names, therefore, and on that of the high court of justiciary, I maintain the disqualification of this witness. It is so laid down by every text-writer on the law of of Scotland—by Erskine—Hume—every writer—except this passage in Burnet, who is of no authority, and it has been always so held and decided by the courts. When, therefore, they put the witness in the box, in what situation did they stand? They knew, when they called him as a witness, that, either he could not serve them, or, if he did serve them, he must perjure himself in the first place.—[Hear! hear!] I repeat it; unless he denied that to have passed which had passed, he could not be examined in the cause; and they knew, therefore, that in order to be examined in the cause it was necessary he should first of all commit perjury. There is no way of getting out of this dilemma; I have examined it with my best attention: I have taxed my invention and my imagination to conjecture a way of escape, and I have found it impossible. If any answer to this should occur to any gentleman on the opposite side, I trust that he will have the goodness to state it to the House. The man was not examined; several other witnesses were examined; but they could prove nothing, and the learned lord threw up the case. The reason assigned for this by the lord advocate was, the unexpected turn which the evidence had taken; but what was that turn?—the fact of this man's evidence being inadmissible.

Now, Sir, as to the question how far it is allowable to hold out indemnities to witnesses. It is said, all that was done was to promise the witness protection and security. This is pretty well illustrated in a case in the State Trials in which Mr. Pollexfen and serjeant Maynard were employed, names familiar, not only to all lawyers, but to all men acquainted with the history of England. It is the case of a Mr. Tasborough and a Mrs. Price,* who were tried for suborning a Mr. Dugdale, who was one of the witnesses in the plots of Titus Oates. Mr. Pollexfen, who was counsel for the prisoners, appears to have been driven into a corner, in the course of the trial, by some evidence which came out against him. The passage is curious. I have copied it, and I will read it to the House. Mr. Pollexfen says, "whether my answer will take with your lordship or no, I cannot tell, but the answer I would give is this: there are several things in that paper, as, amongst the rest, that he should fall under great dislike and danger, and therefore was forced to hide and secure himself, for fear of those whom he should make his enemies by it; and that was terror enough to any man that should run into such a retraction. Therefore, now he must live when he has done this, and so we should apply the other part of the discourse; whatever money she had promised was to take of his fears of want. And so his coming there was to make good that part of the paper which says he must be protected, and maintained, and preserved, that he may see he hath a subsistence and provision for him if he did deserve it. And, my lord, it will be greatly distinguishing in our case, and turn much upon this point, with submission. If I give or offer money to any man to swear a falsehood or retract the truth, it is a very great crime, and if we are guilty of that, undoubtedly our crime is very bad; but in order to the bringing of truth to discovery, and to have a retraction, not of a truth but of a falsehood, and to preserve that witness from perishing, I may promise him protection and subsistence." Old serjeant Maynard interrupted him. "Then," says he, "you have found out a better way than the devil himself could have suggested to uphold subornation."

The lord chief justice says: "Upon my word, if that were a way that were allowable, then woe be to us! We should easily have all the witnesses tampered with by the temptation of 1,000*l.* reward." The learned lord seems to have acted on the apology of Mr. Pollexfen. But I have never before heard it seriously asserted, that it is allowable in any case, much less in a criminal case, for a party thus to deal with witnesses. Of this I am sure, that, if it is permitted to go abroad, as the decision of the House of Commons, that such things may be done, there is not a petty trafficker in accusations, in the office of any magistrate in any part of the kingdom, nor a pettyfogging attorney throughout the country, who is charged with a criminal prosecution, who will not feel himself justified by such a decision in protecting, maintaining and dealing with witnesses. They will not, indeed, attempt to induce them to say any thing but the truth. But they may give them to understand, that, if they do tell the truth, they shall be no losers by it [Hear! hear].

I have felt the question to be of such vital importance, that I should have considered myself guilty of a dereliction of my public duty, if I had not attended in my place to state my opinion fairly on the subject. To decline going into this investigation, would be attended with the most mischievous effects. It is my fortune to see many questions carried contrary to the opinion and advice of those with whom I have the honour to act. But we have in most cases this consolation, even in our defeat, that if our arguments do not at the time succeed, experience may produce that conviction which we have been unable to command, or an evil which cannot be entirely prevented, we may yet have had the power to mitigate. But in the present case there is no consolation. The public justice of the country is not to be trifled with. I feel most sincerely for the unfortunate gentlemen who have been engaged in this transaction. I feel for their families and for their friends. But every feeling must give way before the due administration of justice, upon which, above all other securities, depends the protection of all our rights and liberties: nor can I forget how many men there are in this country who also have families and friends, though perhaps humble ones, whose safety, whose liberties, and whose lives depend on the repression of such practices as these [Hear, hear!].

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* See Howell's State Trials, Vol. 7, p. 914.

The learned gentleman said, in answer to a question which had been put to him, that Campbell had sent a detailed statement in writing of the facts, to which he afterwards deposed, to one of his learned friends, counsel with him for the prisoner. He contrived it in some ingenious way; he believed it was sent in a roll of tobacco. He wished to mention also, that at the consultation of all the counsel for the prisoner, which took place before the trial, there was but one who believed it possible that the thing could be true. It appeared to the rest impossible in its nature, and like many other stories to which the profession were accustomed, one under which (to use the technical phrase) they expected the witness would break down. It became a question whether the witness should be objected to on the ground of want of access. It was determined, however, in the first instance, to object to the witness on that ground, and, if they failed in that, to trust to the examination *in initialibus*.*

Sir *Archibald Colquhoun* said, he had never witnessed charges more completely ill-founded than those which were advanced in support of the motion before the House. He distinctly asserted, that there was not a shadow of foundation for the charges this night produced: he denied that they were charges—they scarcely deserved so grave an appellation, since they rested upon bare assertion or distorted proof. The hon. and learned member who spoke last had even gone beyond the noble lord with whom the motion originated, and had brought forward written opinions, upon which he intended to overthrow the established law of Scotland. He had termed the noble and learned lord (the lord advocate), and his coadjutors, unfortunate gentlemen, and had affected to lament an unlucky dereliction of their duty. He could confidently ask the hon. and learned gentleman whether he did not know that Mr. Drummond, one of the persons accused by Campbell, was a gentleman who was held in high estimation, who had met the approbation of every judge in the court of justiciary, and whose honour was as unsullied as his talents were splendid? Could the hon. and learned gentleman deny this fact? The deposition of Campbell contained numerous contradictions. He asserted that Mr. Drummond had offered him the place of a gauger; though at the time, he said Mr. Drummond was persuaded that his life was in danger, and that he could not remain in safety in the kingdom. The witness had said, that Mr. Drummond believed that he could not remain safely in Glasgow, or in any other place. The deposition thus bore internal evidence of its own falsehood. Campbell said, that Mr. Drummond had offered him the place of a gauger, and promised to write to lord Sidmouth on the subject; that at a subsequent interview, he (Campbell) asked Mr. Drummond whether he had written to lord Sidmouth? And he said that he had not, as Campbell had refused the place. He contended that this fact was inconsistent with the belief with which Mr. Drummond was impressed, that Campbell's life was in danger in any part of the kingdom.

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* The fact was, that Campbell threw his statement, rolled up in a roll of tobacco, out of his window, to another prisoner, who was walking on the terrace before the windows of the rooms they were confined in; and that prisoner found means to send it to one of the counsel.

The deposition of Campbell was a mixture of truth and falsehood, or rather composed of scanty leakings of truth, in an overflowing cup of falsehood. The hon. and learned gentleman who spoke last, and the noble and learned lord, were at issue upon a point of law; the latter contending that he was right in securing to a *socius criminis* freedom and impunity? For his own part he was completely convinced that the lord advocate had acted with perfect propriety. He had a right to promise a witness freedom from prosecution—he had a right also by law to send him out of the country at the public expense. This had been called a reward, but he denied that it could be properly called so. To send a person into exile to protect him from his enemies, was not reward. Was the banishment of a man from his home and his country, in these times, to be considered a boon and a benefit? What had been done was simply to put the witness in a situation to tell the whole truth, and nothing but the truth. The hon. and learned gentleman had brought forward the opinion of five very eminent lawyers (who, however, the House would recollect had been counsel for the prisoner) in order to prove that this was not legal according to the Scots law. He had the greatest respect for those gentlemen, and he thought they were entitled to the highest praise for the ingenious manner in which they had defended the prisoner, though he never witnessed such an assemblage of counsel to defend an individual accused. It was not a small part of the skill of these gentlemen, that, though the witness Campbell had been in communication with them, and had conveyed them information in a piece of tobacco of what he meant to say, they thought proper to object to him, on a pretence which gentlemen of their knowledge must have known was frivolous, and which was rejected by the court. As to the paper which was destroyed by sir William Rae, it was evident that he did not think that he had done any thing illegal, because he had proceeded in a fair and open manner. What would be the advantage of producing the record required by the noble lord (lord A. Hamilton)? Assuredly none but this—that the granting of the motion would convey an indirect stigma against the learned lord, and those who acted with him. They had not given up the cause on account of the circumstance so much dwelt upon that night, but because another part of the evidence failed; and it was not a little singular, that the counsel for the prisoner, among whom was the hon. and learned gentleman, at the time expressed their full approbation of the conduct of the lord advocate; though now the hon. and learned gentleman stepped forward, and could not find terms sufficiently forcible to express his disapprobation. His warmest applause, however, had been given at the time, when the ink was hardly dry, which, by his present statement, recorded the infamy of the learned lord and his coadjutors.

Mr. *Wynn* declared, that if it had been necessary to enter into a discussion respecting the intricacies of the law of Scotland, he should not have troubled the House; but he thought the question might be decided without much knowledge on that subject. If the question was for an address to remove the advocate depute from his office, the observations which had been made by the hon. and learned gentleman as to the credibility of the witness Campbell, would forcibly apply. But the question was to obtain information on this extraordinary case. It had often happened that a witness adduced by the crown, out of favour to the prisoners had, when produced in court, stated what he was not expected to state—sometimes truly, sometimes falsely. An instance of this sort had occurred on the occasion of the trials for treason in Lancashire and Cheshire in 1693, when much of the case for the Crown rested on the evidence of a man of the name of Lunt, who, when he was brought into court, stated directly the reverse of what he had formerly deposed, so that the counsel for the Crown had nothing to do but to fold up their briefs, and submit to a verdict of Not-guilty. But in that case did not the House call for an inquiry? On the second day after the next meeting of parliament, the House of Commons sent for witnesses on this subject, and after investigation, declared, that there was good ground for those trials. The present motion was for a similar inquiry, and in his opinion, on grounds equally strong. An hon. and learned gentleman had stated, that in the deposition of Campbell there was convincing evidence of falsehood. He (Mr. Wynn) had just looked at a copy of the trial, which was said to have been formed of the proof sheets of the short-hand writer, and it contained no such thing as the hon. and learned gentleman asserted that it contained. The hon. and learned gentleman had represented to the House, that Campbell had stated in his deposition, that he was in danger of his life in any part of the kingdom, and that Mr. Drummond was impressed with this opinion, and yet, that Mr. Drummond had offered him a gauger's place. If Campbell had stated this, he would have been guilty of an inconsistency; but, in fact, he said no such thing. He said, according to the trial, that he had told Mr. Drummond that he would not change his name, and that he could not live in Glasgow, " or any other manufacturing place," but he said nothing of the rest of the kingdom; and there was no inconsistency between this statement and the offer to him of a place in the excise—which might be given him in some part unconnected with any of the manufactures, where his life would have been in no danger. He should not enter into the question of Scotch law, but there was a *primâ facie* case for inquiry, since on the deposition of the evidence for the Crown, the court unanimously determined that the case of the public prosecutor could not be supported. It had been said, that the evidence of sir W. Rae would only maintain the assertions of the lord advocate. It was his unfeigned desire that sir W. Rae should have an opportunity of defending himself. The conduct of the advocate depute seemed to him to be, at least, very imprudent. No justice of the peace in this country would, he apprehended, take the deposition of a witness without the presence of his clerk, or some other person. This case stood on the records, and could not be overthrown. The question was, whether the House would inquire—not into the conduct of a court of justice—but how the servants of the Crown had conducted themselves, so as to draw down the unanimous disapprobation of a court of justice. It was said that the persons aggrieved might have actions against the lord advocate. It was right individuals should have compensation for individual losses,—but the House were guardians of the public, and had a right and a duty to see that public functions were not abused. He trusted, therefore, that from what had appeared in the course of the discussion, the House would be unanimous in the opinion that there existed a sufficient ground for inquiry.

Lord *Castlereagh* did not think any thing had transpired that ought to induce the House to enter into any proceedings on the subject. Notwithstanding all that had been said, and the industry displayed to bring the conduct of the learned lord and his colleagues into discredit, there did not appear to him that there were any sufficient grounds of inquiry made out. He saw nothing to warrant any motion on the case; and he trusted the House would agree with him in thinking that there was nothing so novel in the circumstances of the case before them, as to warrant a call for the record. Did they wish to look into it to see if the officer of the Crown had been authorized in his proceedings? He apprehended there could be nothing in it to show that he had not been justified in instituting this prosecution. This must be the conviction of every fair and unbiassed mind; it was established by the proceedings on the bench, and indeed the whole course of the proceedings went to prove the fact that a conspiracy of an extended nature did exist in the neighbourhood of Glasgow, where persons were bound together by secret oaths. Therefore, unless the purpose was either to punish Campbell for perjury, or to prosecute the lord advocate for the important steps he had taken, there could be no reason whatever for calling for the record. Campbell's evidence had been considered by the court absolutely so incredible, that it could not be entertained in any court of law whatever.—And because this man's evidence was considered totally unworthy of credence in a court of justice, was it to be deemed worthy of credit in parliament, and made use of there because it could be used no where else? Then, if Campbell's evidence was not to be believed, what evidence did the noble lord, and those who supported the noble lord's motion, think the record would furnish? He apprehended that the only point that could be brought against him was that which admitted of no evidence in proof—the conversation between him and the officer, when no other person was present.—Therefore, the question of perjury was only the imputing of an offence which was placed beyond the reach of a tribunal below. To suppose that the lord advocate was making any offer not fully justified by morality and law was absurd; for so far from concealment, there was nothing in the transaction but what was the very reverse. No inference contrary to this could be drawn from the observations of Sibbald, or sir W. Rae, as the former would be no evidence against Campbell, and though the latter had thought proper to destroy this paper, it was avowed they went with full authority to make the offer of protection. How could the House examine Campbell? Would they have the vitiated testimony of such a man, in order to put Mr. Drummond on his trial, would they take the evidence of such a man against such a character as Mr. Drummond? He apprehended this was a proceeding that parliament never would sanction under any circumstances. The evidence of Campbell must be regarded as suspicious even from the very means he had recourse to in communicating it; and there was an evident conspiracy between him and those that carried the tobacco, not only to defeat the officers of the Crown, but the ends of justice. The lord advocate or his depute were not in situations of life to lead them to commit subornation of perjury; but it was evident that the prisoners had inducements to commit that crime. If the House lent themselves to this sort of trick, and it was too much the fashion to get up cases of this nature—he must contend that the testimony of individuals would soon not be considered credible on their oaths. On the whole, therefore, he felt that this was not a case that the House could be called upon to inquire into, and he trusted that they would concur with him in opinion, that there was no reasonable motive for agreeing to the motion.

Sir *Samuel Romilly* said, that after the able, eloquent, and unanswerable speech of his hon. and learned friend, he should have thought it unnecessary to offer himself to the attention of the House, but for the extraordinary confidence with which the noble lord had defended the measures in question. The noble lord had talked of the record as if it had been on the table; but till the record was produced, the noble lord was totally unfit to argue on the subject. The noble lord had contended, that unless the facts were manifestly sufficient to warrant condemnation, there should be no inquiry; whereas the fact was, it became necessary to inquire, because they did not know the facts. The learned lord had argued against the production of the record as unnecessary and improper, because it would be interfering with the courts of justice; and had observed that if any thought themselves aggrieved by his conduct, they could bring an action in a court of law: and therefore, that to bring the record before the House would be directly interfering with this right; but what lawyer in that House could maintain such a position? Besides, what actions could be brought against the lord advocate? None certainly for injury done by the production of Campbell as a witness; for he had been rejected. He had said also, that when Mr. Adam moved for the record of the trial of Messrs. Muir and Palmer, the motion was refused. But that was a motion which called in question the conduct of the court of justiciary, whereas there were several circumstances attending this extraordinary case, which in the opinion of the learned judges who presided demanded investigation. It had been asked why the evidence of sir W. Rae had not been called for? This gentleman's evidence would have been of great importance, and was repeatedly called for by Mr. Jeffrey, but was resisted because the witness's (Campbell's) evidence had been rejected. Lord Gillies spoke to the inadmissibility of the witness Campbell (inadmissibility it must be remarked, not on account of incredibility, but on account of the misconduct of the prosecutor), and remarked that the court was sitting to try the case of M'Kinley—that it would be desirable that the evidence of the witness Campbell should be investigated farther—but that was not the subject of the trial. Now this subject was to be investigated in two ways—first, by a trial of Campbell for perjury, which had never been thought of. How then could they investigate the subject with more dignity, propriety, and certainty than in that House? The whole of the noble lord's argument tended to show that Campbell's evidence was not credible; but the truth was, what perhaps the noble lord was not aware of, that this man's evidence must be credited till his assertions had been disproved. He would say, although it might be ridiculed, as they had attempted to ridicule the argument of his hon. and learned friend—he spoke from public motives, and did not regard such attempts—he would say, notwithstanding the confidence of the learned lord, that when inquiry should take place, it would require better authority than his to show that Campbell's evidence was incredible. The noble lord had said, that no prosecutions were instituted for perjury, because two witnesses were necessary to convict a person of that offence, and so many could not be brought forward; but the learned lord (the lord advocate) had said no such thing, and the statement seemed to be altogether without confirmation. With respect to Campbell, too, an hon. and learned gentleman's reasoning seemed to be altogether unwarranted and inconclusive. Campbell, it appeared, had said, that he could not return to Glasgow, for, if he did he should stand in peril of his life. And from this the hon. and learned gentleman chose to infer that it was clear he could not take an excise place, and that none could have been offered. He (Sir S. Romilly) dared to say the hon. and learned gentleman had never heard of a Scotchman having a place in the excise out of Scotland, in Cornwall for instance, or elsewhere, far enough removed from any dangers at Glasgow? He should now proceed to make some remarks on what had fallen from the learned lord (the lord advocate) himself. The learned lord had told the House, that the trial of M'Kinley proved the fact of unlawful oaths having been administered, because the verdict against him was "not proven." And so the learned lord had presumed, that the House of Commons, in its ignorance of Scotch law, would be induced to believe that "not proven," meant "proved!" He had indeed asserted, that by the expression "not proven," the *corpus delicti* was considered to be proved; and that nothing was wanting but the bringing home of the guilt to the panel. But the House must see clearly what the verdict of not proven implied, that in the opinion of the court the party was neither guilty nor innocent: that they considered there was no evidence to establish the facts alleged. It was clearly laid down in all the great law writers of Scotland, in Hume, Erskine, and Mackenzie, that "not proven" amounted to an acquittal: not indeed an honourable acquittal, but an absolute dismissal from the charge brought forward: that it was equivalent to the "non liquet" of the Roman law; and yet the learned lord did not hesitate to say, that all the unlawful oaths were fully proved, by the magical words of "not proven." The learned lord had next endeavoured to make a great deal of the story of the communication between the prisoner, Campbell, and the other witnesses; but it was the duty of the noble lord to have facilitated the communication between prisoners and witnesses. By the law of Scotland (which differed from the law of England in this respect), the prisoner was entitled to a list of all the witnesses) an advantage permitted by the law of England only in cases of high treason): he was allowed also to communicate with them, that he might know beforehand what facts were to be alleged against him. The noble lord talked of "getting up" cases for political purposes. If by that expression the noble lord meant that this was a case "got up" for a particular purpose, he (sir S. Romilly) was sure that the country would not concur in such an opinion, even if the House should. If the learned lord affirmed that this was not a case for inquiry, nor for laying the record before the House, lest that inquiry should be made, he (sir S. Romilly) must affirm that this was not a case so "got up," but one loudly calling for explanation on the simple statement of its facts. It was important to the country that the administration of criminal justice should be pure and unsuspected, and what was this case in which all the suggestions of the noble lord went to stifle all inquiry? It was a case which the attorney-general himself had declared he could not defend: his hon. and learned friend had said, God forbid that he should go into prisons to communicate with prisoners before they were publicly brought to trial! But the noble lord had said, that the advocate-general of Scotland was not an officer such as the attorney-general of England. The lord advocate was a magistrate, had power to commit, was connected with the police, and had it more especially within his province to protect prisoners, and to see that no evidence should be adduced against them influenced either by fear or hope. In this respect, the law of England differed from that of Scotland. The law of England did not begin by examining a witness as to his fears or hopes; but in Scotland the witnesses always went through that ordeal first; they were not only questioned as to any pecuniary interest, but as to any benefit whatever they might expect. Let the House now see if it were possible in the situation in which that man Campbell, was produced, that any fair evidence could be extracted from him. Was it nothing to be told that six witnesses would be brought against him, and that he would be in danger of being hanged? The man said, "If I do give the evidence you require of me, I shall be perjured:" but when he considered that these six men were also to be influenced, that conscious innocence might be of no avail, that on one side a shameful death might await him, and on the other a fortune beyond his circumstances and previous situation in life, could it be supposed that his testimony would be unbiassed, or that the House could deem this a case they ought not to inquire into? The noble lord had said it would be too much to call on such a person as Mr. Home Drummond to answer the testimony of such a witness; but he (sir S. Romilly) said, he would, when justice required it, call on Mr. Drummond, or even the noble lord himself—he would say that the noble lord was wholly unfit for a judicial inquiry, if he was ignorant, that no man, be he who he would, whether Mr. H. Drummond or the noble lord himself, could avoid being bound on oath to answer when called on for the purposes of justice. There was no one so high in this country as to be screened from the obligation of answering to such a charge. A great disservice would be done to the characters of those gentlemen, whose testimony might be brought forward to outweigh that of Campbell's, if on the suggestion of the noble lord the House proceeded to stifle all inquiry; the prevention of this inquiry might subject them to imputations all their lives; and he therefore trusted that on this ground at least, if on no other, the House would not refuse that examination so necessary to their vindication and credit.

The *Lord Advocate*, in answer to the allegation of the offer of money, or a place in the excise, to be given to Campbell, affirmed, that he had stated that no such offer had been made, and that it had been impossible to make it. He had never said that entering on the inquiry would prevent an action being brought against himself, but that it would be unnecessary to go into the inquiry while such actions could be brought. As to the matter of access, it had been allowed by the court that all facility had been afforded the prisoners.

Mr. *J. P. Grant* stated, that he had understood it had been said in his absence from the House, that the counsel for the prisoners had complimented the public prosecutor. He could say for himself, that he had heard no such compliment; and he had been informed by Mr. Jeffrey, that the account in the papers respecting himself was erroneous. Mr. Jeffrey meant to pay a compliment, not to the learned lord, but to the court.

Mr. *V. Fitzgerald* quoted the opinion of lord Gillies as to the disqualification of Campbell. That learned judge had stated Campbell to be disqualified in every point of view, and lord Hermand had said, that Campbell could not be received as a witness, whether true or not. The learned lord had not said that the words of the verdict, "not proven," had proved the truth of the facts, but only that there was a wide difference betwixt the verdict of not proven and not guilty. The lord advocate performed the duty of grand inquest in Scotland, and his functions differed materially from those of the attorney general in this country. Upon the evidence of such a man as Campbell, no man of honour ought to be put upon his trial, and he therefore felt it his duty to give his negative to the motion.

Sir. *S. Romilly* said, that he had quoted the words of lord Gillies, declaring the inadmissibility of Campbell's evidence, from the published report of the trial of M'Kinley, which, however, might be different from the report in the possession of the lord advocate, and which he understood was different from every other. The report in the possession of the learned lord had not indeed been yet published, but he was told that the learned lord had received a proof copy of it from Edinburgh.

The *Lord Advocate* said, that the report from which he had quoted was that of the authorized notes taken of the trial; and that the reason which occasioned the delay of that publication was simply this—that although the note-taker had sent copies of his notes to the counsel for the prisoner, for their revision, so far back as August last, they had not returned them corrected until January last, while in the interim an unauthorized report of the trial had been widely circulated. But this report was now published, and he was authorized to say that the judges had revised their own speeches.

Mr. *J. P. Grant* hoped he would be allowed to explain the reason which had delayed the return of the notes alluded to by the learned lord. The fact was, that the notes of the reporter alluded to were so very clumsy and incorrect as to be scarcely intelligible, and that it required a great deal of trouble on the part of his learned friends to put their speeches into a correct shape.

The *Attorney General* thought it necessary to correct an expression that had been imputed to him, as if he had said that he could not defend the conduct of the learned lord. After reading the case through with great attention, he could not see it in the light that the learned gentleman had done; but he thought he clearly saw in the account of that Campbell, the artful story of a cunning and designing man, who knew how to disqualify himself where he did not choose to give evidence. His learned friend had stated, that Mr. Home Drummond and the noble lord would be equally liable with any one else to give their testimony where the justice of a case required it. He knew it well; but he also knew that it did not follow, because a witness stated upon oath transactions which, if true, constituted an attack upon the character of an individual, that that individual should be the subject of inquiry in the House, or in any other court. Before the House agreed to this, they must conclude, on a consideration of all the circumstances, that there was ground for a serious charge against the lord advocate; because the question was not, whether the House should have the record on the table, that they might there read what they knew equally well from other quarters; but truly, whether there was matter to satisfy them that there was ground of charge against the lord advocate. A comparison had been made between the office he so unworthily held, and that filled by the lord advocate; but all the differences between them had not been fully stated. With respect to inquiries made previous to trial, and functions that formed a duty of police, they certainly differed very materially. But when the learned gentleman, deprecating a communication between the Crown and its witnesses, had represented him to say, that he would not on any account communicate with his witnesses, the learned gentleman had fallen into an error, for he (the attorney general) must communicate with his witnesses—must be informed what they had to allege—or he could not know with safety when to prosecute or when to abstain. He had not said, that he never communicated with witnesses: he had only said he never communicated personally; other communication he must have, or he should never know how to proceed.—As to the imputation cast on the learned lord, he should have given the same advice as the learned lord had done. If he had been told that a witness could not appear, lest his life, or that of his wife should be in danger—whether right or wrong, others might determine—but he should certainly have considered it his duty to say, "assure him of protection." This was not tampering with witnesses. It was doing a duty which the public prosecutor owed to public justice. He knew it was a very convenient doctrine to some persons in that House, that the obtaining information was a corruption of the sources of justice, and that to assure a witness protection was tampering with him; but when this was done fairly and honestly, he would maintain it was not tampering. The charge of the noble lord did not put it as having been done corruptly, but merely thus—"You know that by the law of Scotland the preliminary to examining a witness is to ascertain that he is not influenced by fear or promises; knowing this you promise a reward, and then by putting the witness in the box expose him to the perilous situation of becoming guilty of perjury." If it were clearly made out that a positive promise had been made to the witness, he should say that it was putting him to this perilous situation; but a mere promise of protection amounted to no such [illegible] The House were told, that the conduct of the law officers in Scotland was contrary to the import of a question put to every witness in Scotland, "Have you received any reward or promise of reward?" This was a competent question, it was true; but what was a reward or promise of reward? It was an old and a just maxim in law "dolus versatur in generalibus." Was the promise of protection to a witness within the comprehension of those terms? If it was—if that was the law of Scotland—he would say that the law of Scotland respecting evidence was a great protector of crimes.—He protested against the motion, because Campbell was an artful man according to his own evidence. He told Mr. Home Drummond that he was afraid of his life, and that it was necessary for the safety of himself and family that they should go abroad. He said in evidence—"but I was not afraid of my life. Mr. Home Drummond seemed to think that I was, and I continued to allow him to think so. I did not tell him that I was in danger of my life." His learned friend on the other side (sir S. Romilly) had asked, why Campbell should not have been indicted for perjury? He would say that he could not be indicted, so artfully had he contrived to disqualify himself from being a witness. He would affirm, that protection, according to the law of Scotland, was not a promise of reward. The promise of an exciseman's place, the whole of the conversation respecting that, and every subsequent conversation till the moment in which Campbell gave evidence in court, were represented to have taken place between Campbell and Mr. Drummond alone. If Mr. Drummond was the respectable man he was said to be (and he had every reason to believe he was), still he would be but one witness against one witness; although his testimony were equal to that of ten men such as Campbell, still he could be but Drummond against Campbell. Campbell could not, therefore, be indicted for perjury. He again repeated, that he considered Campbell as a man who had determined to disqualify himself from being a witness. His learned friend must allow him to view the motion before the House, not as a motion for inquiry, but for censure. Voting to have the record put on the table would be voting that there was matter of impeachment against the lord advocate. Although he would scorn to defend a case such as the noble mover viewed this case, yet viewing the case as he did, very differently from the noble lord, he did defend it.

Mr. *Finlay* said, he had listened with great attention to all that had been said on both sides of the House, and had endeavoured to form an impartial opinion on the subject. He would ask, in reference to Mr. Drummond's conversations with Campbell, was it usual to ask a person whether he would choose to be examined or not? That Mr. Drummond had a right to afford him protection he would admit; but a removal to some place abroad seemed to him to be something more than mere protection, and to be therefore unwarrantable. For the sake of inquiry, he must vote for the production of the record. He agreed with the learned lord advocate, that the state of the country had been alarming and dangerous; but, agreeing with him in this opinion, he would ask, how it happened that there had been no trial for two months after this period of alarm and danger, and no conviction at all obtained?

Lord *A. Hamilton* said, that he was so perfectly satisfied with the whole course and tenor of the debate, to establish his own views of the transaction which had been the subject of it, that he did not wish to detain the House with any length of reply. He would merely make a statement of a few facts, or, in corroboration of facts. First, he must observe as a fact, that Mr. Home Drummond sat in the court while Campbell was giving his testimony, and never offered any evidence or expressed any desire to offer evidence, that any one circumstance stated by Campbell was false. He never said that Campbell was perjured, and he did not believe he had ever considered him perjured. Why was perjury now insinuated for the first time? Had the learned lord in Scotland ever held out as a reason for not prosecuting Campbell for perjury, that he could not procure a sufficient number of witnesses to convict him? He had never heard it alleged while in that country, that the evidence of Campbell was false and perjured, and he was convinced that it had never been considered so, because, if it had, the learned lord would not, from the trial in July up to this hour, have allowed himself and his colleagues to have been the subject of obloquy and reproach throughout Scotland. If the House should resist farther inquiry, he was sorry to say that their vote could not clear the characters implicated, or give satisfaction to the country. Campbell, when giving the evidence in question, said, "I stand before persons who can contradict me if I speak falsehood." Was he contradicted? No. The noble lord (Castlereagh) had said, and many of his defenders that night had repeated it, that every thing material in the charge had taken place in the presence only of Campbell the witness and Mr. Home Drummond, and that therefore it was that no prosecution for perjury had been instituted. That he denied, and would read from the evidence its contradiction. He then read from the trial — Campbell farther deposes, "that the sheriff, and, as he believes, the sheriff substitute, the solicitor-general, the procurator-fiscal of Edinburgh, as he understood, and a clerk came into the room." No less than five persons. Now, what passed at that meeting? The most important and most criminating fact of all. It was at that very meeting that sir W. Rae, sheriff of Edinburgh, burnt the agreement which had been reduced to writing, and declared that if that agreement were signed and in effect, Campbell could not take the purgation oath without being perjured. Was there no witness, then, to prove perjury on Campbell, if perjury had been committed? The learned lord had a stronger and better reason against instituting a prosecution for perjury. Such a prosecution would elicit the real truth, and fix guilt where due. And therefore it was, that he (lord A. H.) felt justified in declaring his firm belief, that disagreeable as his motion and this debate had been to him, the learned lord would dread much more any prosecution of Campbell for perjury, though instituted and conducted by himself. It seemed but fair, however, that Mr. Home Drummond, whose name and character had been so much implicated in this matter, should be allowed the benefit of such a prosecution, if he should wish it, even though it should not suit the case of the lord advocate. The learned lord had admitted great part of his former statement. He was yet to learn what part of the law of Scotland allowed what he called, and must still call, tampering with the witness Campbell; and the House must observe, that so much of this case had been admitted, so little contradicted, and nothing of it disproved, as to render some inquiry indispensable, otherwise the lord advocate might return to Scotland and repeat the same conduct, and give to other inferior courts the same bad example under the apparent sanction of that House. He would only add, that if the vote of the House interposed between the case he had stated, and the inquiry which it loudly called for, that vote would do very little credit either to the learned lord or to this House.

The House divided: Ayes, 71; Noes, 136.

List of the Minority.

Abercromby, J.
Althorp, Visct.
Anson, sir Geo.
Atherley, Arthur
Barnett, Jas.
Bennet, hon. H. G.
Birch, Jos.
Brand, hon. Thos.
Brougham, Henry
Byng, Geo.
Browne, Dom.
Burroughs, sir W.
Calcraft, J.
Calvert, Chas.
Calvert, Nic.
Campbell, hon. J. F.
Carter, John
Curwen, J. C.
Douglas, hon. F. S.
Duncannon, visct.
Finlay, K.
Fazakerly, N.
Fitzgerald, lord W.
Fitzroy, lord J.
Folkestone, visct.
Fremantle, W.
Gordon, Rob.
Grenfell, Pascoe
Guise, sir W. B.
Gurney, Hudson
Heron, sir Robt.
Howard, lord H.
Howard, hon. W.
Hurst, Rob.
Jervoise, Geo. P.
Leader, Wm.
Lyster, Richard
Lyttelton, hon. W.
Methuen, Paul
Macdonald, Jas.
Mackintosh, sir J.
Morpeth, visct.
Markham, adm.
Martin, John
Mildmay, sir H. J.
Milton, visct.
Monck, sir C.
North, Dudley
Nugent, lord
Ord, Wm.
Ossulston, lord
Philips, George
Ponsonby, hon. F. C.
Phillimore, Dr.
Ridley, sir. M. W.
Romilly, sir S.
Russell, R. Greenhill
Scudamore, R.
Sharp, Richard
Smith, John
Smith, W.
Smith, Robert
Smyth, J. H.
Tavistock, marquis
Tierney, rt. hon. G.
Waldegrave, hon. W.
Warre, J. A.
Webb, Edward
Wilkins, Walter
Wynn, C. W.
Wood, alderman

TELLERS

Hamilton, lord A.
Grant, J. P.

HOUSE OF COMMONS.

Wednesday, February 11.

CORONERS REWARD BILL.] Mr. Mellish moved for leave to bring in a bill "to alter and enlarge the provisions of an act of his late majesty for giving a proper reward to coroners for the due execution of their office, and for the amoval of coroners, upon a lawful conviction, for certain misdemeanors."

General *Thornton* protested against the measure, conceiving that coroners were already sufficiently remunerated, as indeed appeared to be the general impression, from the eagerness with which that office was sought for when any vacancy occurred.

The motion was agreed to, and the bill was brought in, and read a first time.

GAMBLING SUPPRESSION BILL.] Mr. Ogle brought in a bill for the suppression of gaming, and for the regulating houses kept for the purposes of play. The bill was read a first time. It proposed, that gaming should not hereafter be allowed in any house or room, without a license; that any master of a gaming house lending money for the purpose of play, should be subject to a certain penalty; and that no keeper of a tavern or hotel, should allow play in any of his rooms, without a license.

Mr. *Lyttelton* strongly protested against the provision in this bill with respect to licenses, declaring that he would oppose the bill altogether, unless this provision were neutralized; for as it now stood, it proposed, upon the same principle that the lottery was supported by the chancellor of the exchequer, that gaming should be tolerated for the sake of revenue. He would never acquiesce in such a proposition, as that, for a little filthy profit, this country should descend to imitate the scandalous practice of some continental nations, by whom gaming-houses were openly licensed.—On the motion for the seconding reading, Mr. Lyttelton expressed a disposition, to divide the House. Upon which,

Sir *M. W. Ridley* said, he hoped his hon. friend would not press his opposition in that stage, but give time for fuller consideration. He disliked the spirit of over legislation in matters that did not necessarily require the interposition of parliament.

The bill was ordered to be read a second time on the 19th, and to be printed.

BANK TOKENS.] Mr. *Babington* begged leave to address a few observations to the chancellor of the exchequer upon the subject of Bank Tokens. He differed from the right hon. gentleman in what he had said last night, that government was under no obligation to facilitate the calling in of the Bank tokens, as they formed no part of the legal coin of the country. But according to his view, those tokens having been issued by the Bank with the sanction of government, in order to supply the want of legal coin, it was the duty of government, as well as of the Bank, to provide that the holders of those tokens should suffer no inconvenience from them; and that agents should be appointed in every great town throughout the country to call them in, as was the case some time ago with respect to the old Mint silver. Unless some such arrangement were made, considerable inconvenience would result to the poorer classes. In the district with which he was connected as well as in others of which he had heard, those tokens formed more than one-third of the circulation.

The *Chancellor of the Exchequer* observed, that the hon. member had overlooked the most material part of the statement which he had yesterday submitted to the House, namely, that the Bank was bound to receive those tokens for two years, from the 1st of March next. How, then, could any inconvenience be apprehended? Those tokens might be taken by gentlemen for rent, and thus, as well as by many other obvious means, the whole were likely to find their way to the Bank, long before the period alluded to should expire. With regard to means for facilitating the transport of these tokens from the country to London, he felt that neither government nor the Bank was bound to provide such means, but he was happy to say that such arrangements had been made by the Post-office as were likely to afford every necessary facility upon this subject.

Mr. *Curwen* hoped that the directors would feel themselves called upon to take measures to prevent loss to the public from the issue of tokens. He had a letter from Scotland, stating that at Selkirk many poor persons were kept in want of the necessaries of life from the difficulty of getting the old silver coinage exchanged at the time the new coinage was issued. The Bank ought surely to provide that similar distress should not be occasioned by the withdrawing of their tokens, especially as they must have made great profit by the issue of them.

Mr. *Manning* said, that the Bank directors had actually sustained loss by standing between the public and the executive government, when silver was extremely scarce in the country. He had no doubt that, by the end of the two years allowed for the circulation of tokens, they would be all withdrawn without inconvenience.

TREATY WITH SPAIN RESPECTING THE ABOLITION OF THE SLAVE TRADE.] The House having resolved itself into a committee of Supply,

Lord *Castlereagh* said, that after the very full discussion which this subject had undergone, he felt it quite unnecessary to make any observations, now that he moved, in the terms of the treaty, That a sum not exceeding 400,000*l.* be granted to his majesty for the purpose of carrying into execution the treaty with the Spanish government for the abolition of the slave trade. He should be ready to answer any questions that might be put to him; but as he felt assured from the sentiments of the House on a former evening, of the general approbation with which the subject was received, he would enter into no farther observations at present.

Mr. *Lyttelton* said, that it was with reluctance he rose to offer any observations at all calculated to disturb the unanimity which the object of the treaty so justly obtained. There was not a more sincere friend to the progress of that great cause of humanity, than he was. But he took the opportunity, from instructions that he had received, to ask the noble lord a few questions, materially connected with our commercial intercourse with Spain. He saw by the provisions of that treaty, that a sum of 400,000*l.* was to be paid by this country, as a *bonus* to the Spanish nation. When we were evincing such a disposition towards that government, it could not be inopportune to advert to the state of our commercial relations with that power. And he must say, from what he was taught to believe, that this country was, as to those relations, in a state rather remote from a very cordial amity with Spain. The British merchants were not merely treated with severity, but with a caprice the most destructive to the continuance of a commercial intercourse. In the export of cotton goods, one of our principal articles, we were met with a total prohibition. Although he lamented that circumstance, he was still ready to admit that such prohibition could not form the ground of any hostile remonstrance. Woollens and linens, also, which were staples of this country, were prohibited. The duties on iron were 110 per cent. upon their actual value. But, if he was rightly instructed, we were not only treated with rigour, but that rigour was exercised without due notice. Formerly six months notice had been given of any prohibitions; now, those prohibitions were suddenly made; so that it was impossible to give timely notice to the merchant in London, in order to prevent shipments and very serious losses. This was the greatest grievance that could affect the interests of commerce. That orders upon matters of commercial regulation should be explicit and clear, definite in their extent, and precise as to their commencement and duration, was essential to the very existence of commerce. Let taxation be carried to any extent, but, in God's name, let timely notice be given of such taxation! He hoped the noble lord would feel it his duty to effect, if possible, a treaty to remove the excessive impositions upon our trade, or at least to ensure due notice to our merchants. Every information the noble lord could give would be attended to; but he particularly wished to know what remonstrances had been made by our government, and what answer had been returned.

Lord *Castlereagh* said, that the hon. member had very properly distinguished the subject to which his question referred from the motion before the committee. In reply to the question of the hon. gentleman, he must say, that he lamented as much as any one, that the commercial principles which regulated the conduct of the Spanish government were of so confined and mistaken a nature—principles which had now been quite exploded in the politics of this country, and which he hoped would not long maintain their ground in any European cabinet. At the same time we ought to show some indulgence towards the Spanish government even on this score, considering that we ourselves had, not long since, acted upon the very same mistaken principles in many of our commercial regulations. The British government had endeavoured, as much as possible, to convince Spain, that the principles on which she acted were utterly fallacious, and that the whole duties in her tariff were fixed on mistaken notions. With the view of effecting a general improvement in our commercial relations with that country, two proposals had been made by the British cabinet. But he was sorry to say that nothing decisive had yet been done with respect to these proposals; nor could he positively state that any measures were in progress with the view of acceding to them. With respect to the particular branches of trade mentioned by the hon. gentleman, he was not aware of any recent change made by the Spanish government in the duty on cotton, which had been the cause of any special hardship to British merchants. No man could regret more than he did that Spain had placed such restrictions on the cotton trade. But the restriction was not a recent one. In the treaty of 1792, the admission of cottons to the Spanish market was entirely prohibited, and if since then it had been at all permitted, it was only by an act of special indulgence, suspending the operations of that treaty. Yet, after all, Spain was not the only country that acted on the system of restriction and prohibition in commerce. Even we ourselves were still a good deal embarrassed by the restrictions of our own commercial regulations. Still, with respect to the system of the Spanish government, it had produced such effects in many cases, that the strongest remonstrances had been found necessary—so strong, that even the hon. gentleman would not have recommended stronger. These remonstrances, in many cases, had been effectual, and redress had been given; in other instances, the evil had been diminished, though not remedied entirely; and in several instances he was sorry to say, they had been hitherto quite unsuccessful. Still, it would not be fair to entertain strong feelings against Spain on account of this. Even between Great Britain and Ireland there were cases of as great hardship endured, and of as much difficulty, in removing the grievances occasioned by the commercial regulations between the two kingdoms as between great Britain and Spain, or any other foreign power. It was to be hoped, however, that, as those mistaken notions of commercial regulations were gradually abandoned by other nations, the time was near at hand when they would cease to be harboured in Spain.

Mr. *Lyttelton* expressed his high satisfaction at the sound and enlightened views of the noble lord, and he hailed their annunciation as propitious to the commercial interests of the country. He trusted they would be acted upon in the councils of the nation, as soon as was compatible with public expediency. What he had principally complained of, in regard to Spain was, the capricious manner in which the change of duties without notification was made.

Mr. *Robinson* said, that, with respect to cottons, there had been a notice given by Spain, in 1815, of her intention to return to her old prohibitory system against them. Sir Henry Wellesley had remonstrated against this, not entirely without success. He was not aware of any recent increase of the duties on iron. It certainly was a grievance that heavy duties should be suddenly imposed on the importation of a particular article of trade; yet this was a grievance which we ourselves had not infrequently occasioned to foreign merchants. For it even now was no uncommon thing (however mistaken the principle unfortunately was) to pass an act, imposing heavy duties on the importation of a particular article, which were to take effect immediately on the passing of the act.

Mr. *Lyttelton* said, he was informed it had been the practice of Spain to give six months' notice of any prohibitory duties before they were actually imposed, and the complaint was, that this practice had been discontinued.

Dr. *Phillimore* wished to know whether, under the present treaty, persons who, having instituted proceedings in the admiralty court here, had sentence of restitution of captured vessels pronounced in their behalf, were to be referred to the Spanish government for the execution of that sentence? He was induced to ask the question, in consequence of its having been said, that 200,000*l.* out of the 400,000*l.* was in lieu of claims for vessels captured, and afterwards restored.

Lord *Castlereagh* replied, that persons who had sentence pronounced in their favour, would have a strong equitable claim on the Spanish government. His understanding was, that persons in that situation must look to the Spanish government for indemnity.

Lord *Althorp* had no objection to the spirit and object of the treaty, but the laying out of so large a sum of money in pure bounty to the Spanish government, appeared to him very liable to suspicion. We were evidently ambitious of being distinguished as the most charitable of all nations; but could we get credit for lavishing so large a sum out of mere charity, while our own country was in such distress?

Mr. *Wilberforce* had no doubt at all that the treaty had proceeded from feelings of the purest humanity; but, viewing it on the coldest principles of commercial calculation, he would say, that it was the wisest treaty that could have been framed. With a view to promote the commercial interests of the country, nothing could be more politically wise and provident, than to possess the inhabitants of Africa with a taste for our manufactures. The provisions of the treaty respecting the abolition of the slave trade were beneficial, not only for ourselves, but for all mankind. But, in a commercial view, it was of incalculable advantage to have the supply of that large tract of country, from the Senegal down to the Niger, an extent of more than 7,500 miles, with the necessaries and gratifications which our manufactures and our commerce afforded. One of the greatest difficulties in repressing the slave trade was, that we could not give the inhabitants of Africa their accustomed gratifications. To obtain these, they often had recourse to the abominable practices of this inhuman traffic. This evil would be, in a great measure, remedied by this treaty. It was, then, he repeated, of vast commercial benefit. Even already, with all the difficulties we had to encounter, our exports to Africa were greatly increased. Under the operation of this treaty, they would advance more and more, to the great profit of this country, and to the improvement and happiness of much-injured Africa.

Mr. *Calcraft* believed great advantage might arise from the treaty, both as to the advancement of fair trade, and the abolition of the slave trade; but there were other points on which he wished to make an observation: 400,000*l.* was the sum to be voted for Spain; one-half of that sum, he understood, must be paid to our crews who had captured slave-ships, in order to make restitution of those ships. Was it only the remaining 200,000*l.* that was to be given to Spain? or were the claims of the captors to be referred to the Spanish government? Those persons would, in that case, be left in a very aukward situation. If they had claims to the amount of 200,000*l.* their claims ought to be satisfied out of this money. To refer them to the Spanish government was doing them much injustice.

Mr. *J. P. Grant* observed, that the claims in question were of different kinds. Some of them were yet to be made good. Others were already established, the ships having been condemned. With respect to the latter, he thought a specific sum ought to have been stipulated for their satisfaction.

Mr. *W. Smith* thought it was very evident, that other European nations, and France especially, had a common interest with ourselves in observing the conditions of this treaty. France, which was a colonial power, had already abolished the trade as far as it respected her colonies, and, he was ready to admit, did intend to prohibit it generally to all her subjects. It must, therefore, in his opinion, be the interest of France, in whatever light it was viewed, as well as the interest of this country, not to suffer a trade in slaves to be carried on with her colonies, under foreign colours, which she did not allow to her own subjects. He gave his entire approbation to the treaty under consideration.

Sir *R. Heron* did not consider the amount of money to be paid to Spain as any objection to the conditions of the treaty, although he could not help regretting, that it was to fall into the coffers of the Spanish treasury at the moment when it might enable that government to effect the subjugation of its revolted colonies. He did not very clearly see why our policy now should so far differ from that of queen Elizabeth, who had considered it important to the interests of this country to protect the rising liberties of the Netherlands.

The resolution was then agreed to.

MOTION RESPECTING THE CONDUCT OF CERTAIN SPIES AND INFORMERS.] Mr. *Fazakerley* said, he rose in conformity to the notice which he had a few days since given, to make his promised motion for an instruction to the committee of secrecy now sitting, to inquire whether any and what measures had been taken to detect and bring to justice those persons who were described in the Report made by the Committee of Secrecy on the 20th of June, 1817,* as individuals whose language and conduct might in some instances have had the effect of encouraging those designs which it was intended they should only be the instruments of detecting.—He was sensible how much he should require the indulgence of the House in the few preliminary observations which it would be necessary for him to make on a subject that had so strongly excited the interest of parliament and the country—a subject to which the public attention had been particularly directed by the circumstances which had transpired in the recent trials connected with it; in conjunction with the passage in the Report of the Committee of Secrecy of last year, to which he had just adverted. Not having precise local knowledge, he did not wish to be understood to refer to any particular individual, but to ground his motion on the general statement in the Report. There were some persons, whose names were mentioned as being the most conspicuous members in the honourable confederacy to which he alluded, but he had not had any precise information on that subject to enable him to investigate the particular cases. He trusted, indeed, that neither the name of Oliver, nor the names of any other persons, would be considered as in any way connected with what he had to lay before the House; for he merely grounded his motion upon the report of the House itself, and he only desired to know whether any measures had been taken to detect and bring to justice the persons to whom the report alluded. He wished the House to recollect the course of proceeding that had been adopted by his majesty's government. For several months, during which the suspension of the Habeas Corpus had existed, the powers with which it invested government were by no means sparingly used. The gaols were filled with suspected individuals, apprehended probably on the information of spies; and many persons were thus, in all probability, made the victims of the crimes of others. The various provinces witnessed the novel sight of state prisoners, itinerant state prisoners, carried about from one place to another. Not that alone—they saw them loaded with irons, and placed in close confinement.—The strongest and the weakest measures were contrasted with each other. There had been a most absurd demand for recognizances, and the most absurd conduct consequent on that demand. On the one side, the gaols were crowded with unfortunate persons, dragged from distant parts of the kingdom, and treated with the utmost severity; while, on the other, the most puerile steps were adopted, assuming at last the shape of an admonition to a parent to attend to the good government of his son. When so many persons were thus taken up and imprisoned, and it subsequently appeared that there was nothing of reality in the charges that had been brought against them, was it right and fair that no measures should be taken to detect and prosecute those spies and informers, whose conduct a committee of that House had pronounced suspicious? Was this a fair and impartial administration of the criminal justice of the country? He wished, however, to guard himself against being supposed to express an opinion generally against the employment of spies. It was most unfortunate that such measures should ever be necessary; that public treason could sometimes be detected only by private treachery; that vice must occasionally be rendered subservient to the safety of the state; but it was most especially important, whenever such measures were resorted to, that they should be accompanied with the greatest caution and vigilance. Persons so engaged ought to be closely watched, lest they overstepped the bounds of their office, and instead of only discovering, encouraged the bad designs of others. It appeared, from the Report of the Committee of Secrecy of last session, that that committee did apprehend, that some of the persons employed to detect the designs of others, had done more than their duty, and had fomented that which they were employed only to discover. If there were such persons, they ought to be detected and prosecuted. The hon. gentleman concluded by apologising to the House for the inadequate manner in which he had brought the subject under their consideration, and by moving, "That it be an instruction to the Committee of Secrecy now sitting, to inquire and report, whether any and what measures have been taken to detect and bring to justice those who were described, in the Report from the Committee of Secrecy presented to this House on the 20th day of June, 1817, as persons who may, by their language and conduct, in some instances have had the effect of encouraging those designs which it was intended they should be only the instruments of destruments of detecting."

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* See Vol. 36, p. 1096.

Mr. *Bathurst* was sure that the House could require no apology from the hon. gentleman for the manner in which he had introduced his motion. Nothing could be more moderate, judicious, and correct. But he could not pay a similar compliment to the motion itself. It was to instruct the committee to adopt a precise line of conduct, which the powers they already possessed would enable them to adopt, if necessary. They were already armed with powers to send for persons, papers, and records. The hon. gentleman, by merely quoting the earlier part of a passage in the Report of the Committee of Secrecy of last year, had given a bearing to it which it did not warrant. The motion of the hon. member assumed the truth of a proposition which he begged leave to deny as being at all founded in truth, and still more as being found in the Report of the Committee; for it, in fact, assumed that that committee had asserted, that a certain crime had been committed. If the whole of that passage of the Report to which the hon. gentleman alluded were read, it would be seen plainly that he was mistaken.

That passage ran thus:—"Your committee have not been insensible to the jealousy with which the testimony of persons originally implicated in the designs of the conspirators, or even of persons who, never having engaged in those designs, have attended their meetings, in order to discover and report their proceedings, ought to be received; but the facts stated by your committee rest not only upon confirmatory evidence, but on distinct, substantive, and satisfactory testimony; and although your committee have seen reason to apprehend that the language and conduct of some persons from whom information has been derived, may, in some instances have had the effect of encouraging those designs, which it was intended they should only be the instruments of detecting; yet it is perfectly clear to your committee, that, before any such encouragement could have been given, the plan of a simultaneous insurrection in different parts of the country had been actually concerted, and its execution fully determined on." There was here no assertion that such a crime had been committed as the hon. gentleman's motion would intimate. The hon. gentleman asked, whether had any steps been taken to detect and prosecute the persons to whom he supposed this passage in the report was applied? To this he would answer, that no such steps had been taken; and for this plain reason, that no criminality was imputed to those persons, but that the simple meaning of the committee was, that individuals so communicating information must necessarily profess themselves to be the accomplices of those whose designs they were detecting, and might, in that sense, be said to encourage the designs themselves. The report of the committee, therefore, contained nothing which required any active measures of the nature alluded to by the hon. gentleman, nor had any farther grounds appeared for such measures. It was confessed that, in certain cases, it was the duty of government to avail themselves of the information that might come into their hands through the quarters to which the hon. member had alluded. What had occurred, then, was nothing but a necessary consequence of the conduct of such persons. He did not mean to say that the hon. member might not have been furnished with proofs of delinquency, in certain cases; and whenever those proofs were produced, or any questions asked respecting them, a satisfactory answer would be given to them; but no such had as yet been brought forward. If proofs could be adduced upon any forcible grounds, the case would certainly be altered; but at present nothing could be alleged from what had been stated by the committee. It was certain, and the hon. gentleman could not but know it, that the moment it was discovered that an individual was engaged in procuring information, a certain number of persons took that course which, under all circumstances, it was natural for them to take. They said, "this is not the man with whom we have been contriving, this is the man who contrived the whole." The person to whom he alluded had held out that 70,000 men would assemble, or would join the persons amongst whom he was: and it was known, that he had so said by a right hon. gentleman now no more, who, however, never suggested that government should punish him. He had encouraged the designs in question no farther than as the assertion that there were 70,000 men in London prepared to support them—an assertion which was necessary to the maintenance of his character as a deputy from the metropolis—might be said to encourage them. But whatever might be the amount of the encouragement thus afforded, nothing was better established than that the details of the conspiracy had been formed, and the particular insurrection postponed from time to time, long before the person alluded to had any concern with the business. Government, indeed, knew all that he had done: they knew all the man stated himself to have done, and they had an opportunity of knowing precisely the truth or falsehood of his account of the transactions that had occurred. There was nothing, however, but that he had described himself to be a delegate from London; and it was impossible that he could have done otherwise. If he said, that the people in London were well inclined to the cause, it was only what it was necessary for him to say in order that he might not destroy the confidence that was reposed in him. But government knew, from all that they had heard of him, that there had been no mischief in the manner of his conducting himself; and that he had taken no farther part in any of the proceedings, of the disaffected, than that he professed to be one holding the same sentiments with themselves, and that of course he must have shown himself to be as sanguine as they were in their expectations. That person's intentions were not to procure information for government alone, as such, but to communicate from time to time to the magistrates whatever of importance he might have learnt. He had not originally gone amongst the people for the purpose of giving information; it was accident entirely that brought him amongst them; but being amongst them he thought it his duty to see what was doing; and having made communications to government, he (Mr. Bathurst) wished to ask, what would have been thought of government had they declined to avail themselves of such communications from a person whose character was unimpeached, except by those whose designs he had exposed? He repeated, that that person's character—his private character—was to that hour unimpeached by any man, and if any inculpatory evidence were to be brought against him, he hoped the House would well consider the characters of the individuals by whom it would be furnished. He trusted, if any such persons should be brought forward, that they would be men not at all connected with that horrible system of which they had heard so much; that none of them would be Luddites. Upon a complete examination of the subject, he was persuaded it would be found that no undue motive had influenced Oliver in any part of his conduct. The character that had been given of him, indeed, had originated from the people themselves; and it had been their plan, from that time to the present, to try to turn the tables upon him, and to say "we have detected you." This character had been heard first from people who never told what the real fact was; who took care never to state what they had done. Something they had done certainly; though many hon. gentlemen, he supposed, would say they had done nothing at all, and that all that had happened was quite innocent talk. If the trials had taken a different turn from that which many of them had taken, the real state of things would have been manifested; but as it was, it appeared to be contended that nothing that had been alleged had really existed in the country. If it were at all seriously questioned whether or not there had been a conspiracy, he would say, that it could be proved by evidence through all its various ramifications, to which, however, he should not at present refer the House. They need indeed only look to the report of the committee, where it was stated that the plan of a simultaneous insurrection was concerted, and its execution fully determined on. He had a right, from particular circumstances, to assert, that the whole plan of the conspiracy was matured, long before the occurrence of the transactions which caused the motion of the hon. gentleman. What was the real nature of the encouragement that the individual in question might be supposed to have given, supposing that it had been previously determined to undertake such a plan? Suppose the intention had been to rise on the 10th, and he had said, "the 10th; yes, rise on the 10th;" he asked the House whether that was the conduct that would be said to have caused such a conspiracy; though he denied even that to have taken place? The whole plan being concocted could it be asserted that any man by adopting the line of conduct which he had described, would have committed any such crime as had been insinuated? The hon. gentleman had not exhibited the candour which pervaded the other parts of his speech, when he talked of the crowded state of the gaols. If it was true, as had been proved, that there was an organized plan of insurrection, surely the imprisonment of thirty or forty persons, thus disarming the disaffected, and depriving them of their leaders, could not be charged on government as an abuse of power. And he could inform the hon. gentleman that not one man had ever been apprehended upon the information of Oliver. That was a statement which would come before the House in another shape; but it was a fact that not a single man had been apprehended upon information received from him. There had been no connexion, he wished to state, between certain persons who had been executed, and the individual to whose conduct it was said that their fate was attributable. He alluded to the declarations of one of the persons who had been executed at Derby. That declaration was utterly unfounded. But it was the great foundation on which the disaffected were obliged to rest. They had nothing else to argue, but "it is you who have done it," and by that and such like exclamations they endeavoured to make their case as plausible as possible. Contrary to all their declarations, contrary to the declaration of one individual in his dying moments, he would venture to assert, that the assertions contained in those declarations were totally unfounded, and were no doubt put into the unfortunate man's mouth by some designing individual——

Mr. *Fazakerley* said, that he had made no allusion to the trials at Derby, and that his remarks related solely to what had taken place in the metropolis.

Mr. *Bathurst* expressed his surprise at this declaration, and said, that if that was the case, the motion of the hon. gentleman was wholly unconnected with the observations by which he had introduced it. The report of the secret committee, on which the hon. gentleman founded his motion, had no relation to the trials in London, which had taken place long before that report. The information contained in that report related solely to the country. Oliver stated nothing that had occurred at Derby, or any thing relating to Brandreth, to government; for one very good reason, that he never saw that person. As he had already said, there was nothing in the transactions which had taken place in the country, that afforded the slightest reason for suspecting that any criminal encouragement had been given to the designs of the disaffected by the individual or individuals alluded to.

Lord *Milton* observed, that if by any chance hereafter, which he did not at present anticipate, he should be engaged in the honourable employment of a spy, he hoped it would be in the service of the right hon. gentleman [a laugh]. He could not, however, refrain from stating, that he thought the right hon. gentleman's course of argument calculated materially to mislead the House in their view of this question.

Mr. *Bathurst* spoke to order. Did the noble lord mean to say that he intended to mislead the House?

Lord *Milton* said, that the speech of the right hon. gentleman was calculated to mislead the House with respect to certain parts of the transaction. The right hon. gentleman had stated, that the first connexion of Oliver with the disaffected was without the concurrence of government.

Mr. *Bathurst* observed, that what he had stated, was, that Oliver was not sent by government, but that being found in connexion with the disaffected, he was desired to continue that connexion. He had not, then, received any instructions to ingratiate himself with those who might be suspected of evil designs, but to make himself acquainted with their proceedings, —a task in which he must necessarily appear sometimes as an accomplice.

Lord *Milton* proceeded. He could not agree with the right hon. gentleman, that no injurious consequences had arisen from the employment of Oliver. On the contrary, he thought his mission calculated to produce the effects which had actually ensued. Its object was, to determine, by objectionable means, the real character of the evil upon which the propriety or necessity of the measures adopted by the legislature depended. The right hon. gentleman had said, that it was necessary that a person so employed should assume the character of an associate of those whose conduct he was investigating. But the character assumed by this Oliver was one of no ordinary nature. It was a character, on the appearance of which a great deal was likely to turn, and on which a great deal did turn; for Oliver appeared as the representative of the disaffected in the metropolis. It was not unparliamentary, he conceived, to refer to a paper which, though not regularly before the House, might be looked upon as a document of authority: he meant the report of the secret committee of the House of Lords, presented to their lordships on the 12th of June last. In a passage of that report it was unequivocally stated, that " the disaffected in the country appeared still to be looking to the metropolis with the hope of assistance and direction."* By whom was that hope held out? By whom was the connexion between the disaffected in London and in the country kept up, or in appearance kept up? By a person sent down to the country by his majesty's secretary of state!—By an individual, who assumed a character, on whose appearance the magistrates in the country knew that the disaffected in their neighbourhood rested for support! He could never review this transaction, without feeling convinced that much mischief had resulted from the interposition of the individual in question. That person's appearance, whenever it was made, was the immediate forerunner of disorder and confusion. He (lord Milton) had not had the advantage of investigating, personally, the disposition of that part of the country, at the period when the danger was supposed to be most imminent; but the abundant testimony which had since been laid before him coincided with his knowledge of the general feeling of the magistracy, whose predominating fear was, lest the presence of this person should, by supplying the fuel, nurse the existing heat into a flame. And this, he said, without attaching the least truth to the declaration made by the unfortunate persons who suffered at Derby of their connexion with Oliver; for he knew how easy it was to induce persons to declare that which was false, for the purpose of lessening the imputation of their own guilt. Without stating any positive opinion, therefore, on the subject, he was inclined to believe that the assertion to which he had just alluded was destitute of foundation. He thought, however, that he had a right to complain, that in such a place as the House of Commons, the right hon. gentleman should venture to say, that the charge against Oliver was brought by those against whose practices his information had been directed. This was not the fact. In his conscience he believed, that the substance of the greatest part of the charges against Oliver was furnished by persons who were no more engaged in those transactions than he himself was. Another part of the speech of the right hon. gentleman was calculated to mislead the House. He had stated, that no men were taken up in consequence of the information of Oliver. It was true that no persons were taken up on the information of Oliver, strictly speaking, but it was going too far to say that the arrest and subsequent confinement of many persons did not take place in consequence of the information furnished by Oliver; for from his information government were able to avail themselves of the testimony of others, so that in common sense the arrest was in consequence of such information. He was not now complaining of any particular individuals having been so arrested and confined—a time would come when an inquiry into this subject must be made; but he wished much that the House should attend to one striking circumstance. It appeared that in some parts of the country—Nottingham for instance—the people were ready to assassinate Oliver. And what was the consequence? No rising ever occurred at Nottingham. But in those parts of the country where the people *bonâ fide* believed in Oliver, there insurrections actually took place—for instance, in the west riding of Yorkshire, in Derbyshire——

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* See Vol. 36, p. 950.

Mr. *Bathurst* observed, that there was no evidence of the person alluded to having been in those parts of Derbyshire where the insurrection took place.

Lord *Milton* expressed his astonishment that the right hon. gentleman's recollection should not serve him from the hour of two to that of eight of the same day. To return to the course of his observations,—he felt himself bound to say, that the House would not discharge its duty to the country, if it did not enter into a substantial and efficient inquiry, not only into the conduct of the agents, but into that of their employers. It was no very flattering compliment to the English character, to hear the subject of espionage spoken of as it was in that House—it was a little too much that the character and conduct of that description of people should be mentioned in that House with so little disesteem—not to say detestation. Perhaps he was carrying his candour beyond what, as an honest man, might fairly be required of him, but he really thought that in their proceedings on this subject, the ministers were principally chargeable with imprudence. They might have subsidiary motives for endeavouring to excite to the extent they did, alarm throughout the country; but he thought imprudence was the basis of their conduct. Whatever obloquy he might draw down on himself, he wished to state the precise point of view in which he saw the transactions. As a member of the committee, be it remembered, he was but a single individual. Nothing but an imperious sense of duty, and a wish to obey whatever commands the House imposed on him, could induce him to submit to be a member of a committee for such a purpose: having, however, placed their commands on him, it was his duty to obey; but if this duty was a burden in one respect, it would be grateful to him if they alleviated it, by adopting the motion of his hon. friend.

Mr. *C. Grant*, jun. thought the noble lord had not answered the arguments of his right hon. friend. It was quite unnecessary to give such instructions to the committee as those proposed, because they were competent to recur to the subject without them. It would be a complete novelty, under such circumstances, to send such instructions to a secret committee of that House. But if they went so far, and took the ground of the noble lord, it became necessary to see whether the House could find a *primâ facie* case of delinquency on the part of government to authorize the proceeding. Never had public disturbances occurred in which parties had not charged government with being the authors of them. From 1793 to 1801 those charges were perpetually reiterated; yet it had never been proposed to make them a subject for the consideration of a secret committee. Such a proceeding was wholly unprecedented, except in the case of some peculiar combination of circumstances. Had, then, any extraordinary case been made out, such as to warrant the adoption of a special proceeding of this nature? He begged leave to say, that there was no evidence of any instigation to mischievous purposes beyond mere words. Now, what he should contend was, that something more was necessary to establish such a case as that upon which the motion ought to be founded. To come to another point—the trials at Derby—it had always struck him as singular, if the learned counsel for the prisoners could have proved that the insurrection had been instigated by the emissaries of government, that they did not prove it. The person, Oliver, was present on the spot; he might have been subpœnaed; they could have introduced him to the court: this was, indeed, the only ground on which the case of their clients could have stood; and their experience and duty would have led them to bring him forward, if his evidence would have been of any service to them. If Oliver had been put into the box, and if, upon his examination, these facts had been established, would the jury have found the prisoners guilty? And if they had returned a verdict of guilty, he would ask any man whether a British jury under such circumstances would not have recommended them to mercy, and whether it was not more than probable that such a recommendation would not have been listened to? If that learned counsel who had so greatly distinguished himself on those trials (Mr. Denman), did not think proper to bring Oliver into court, it was a proof, that that person had not been concerned in exciting the disturbances for which the prisoners were then upon their trial. With respect to the present proposition his argument was this—that unless a case of delinquency was first made out, the House was not called upon to accede to the motion of the hon. member; and he must, therefore, express his dissent from giving any instruction to the committee on the subject.

Mr. *Bennet* said, he was placed in a considerable dilemma by the present motion, to which he meant, however, to give his support. But the House must not think that the country could look to the secret committee with any expectation of an impartial investigation, when they considered who the members of that committee were—who were the persons tried in that committee—who furnished the evidence. Ministers themselves named the committee—they were the persons on trial—and they furnished the evidence. Still, however, he should vote for the motion, because he wished that a test might again be proposed to the House—that if the House refused their assent to the motion of his hon. friend, the public might be completely satisfied, that this committee was neither more nor less than one of the grossest juggles ever attempted to be played off on any people. In the last session, his majesty's government had drawn up a bill of indictment against the people of England—two committees had been named by ministers, who, on evidence furnished by those ministers, pronounced the people of this country to be disaffected to the constitution. From those committees, however, the people had been shut out; before them the case of the Crown was heard; but, up to that moment, the case of the people had never been heard. All that he asked for was, that the cause of the people should be heard—and no cause was more entitled to be heard. The people of England had been visited by one of the greatest plagues with which a people could be afflicted—that government, which ought to have been their protector, had sent persons among them to stir them up to acts of violence.

A right hon. gentleman, who seemed to be the common voucher for the character of all the spies and informers in the employ of government, had told them that Oliver was a person of unsullied character. It appeared to him, however, that the right hon. gentleman had himself furnished the best argument against the employment of spies; for he had told them that the natural consequence of the employment of spies was, their doing things which furnished an accusation against them of fomenting the disturbances they were employed to prevent. He wished to remind the House of the terrible case which was produced by his hon. friend near him of the mischief caused by those wretched fiends in human shape, the spies employed in Manchester and its neighbourhood. He wished to give no general opinion as to the employment of spies. It was a nice point, and he would not then discuss it; but this he knew, that they were edge-tools which required a very cautious handling. It was one of the mischiefs attendant on their employment, that they had to look for their reward in the continuance and not the termination of disturbances. He knew that that sort of persons who were employed as spies in this country, had done acts which he could not think of without shame, or mention without horror and indignation. Lancashire, and the district connected with it, ever since 1812, had been traversed by whole hosts of spies. The magistrates had, by their system of espionage, thrown the whole of that country into the greatest alarm. While the poor people engaged in the manufactories there, after working fifteen hours a day, could only obtain for the support of themselves and families six or seven shillings a week, these spies were earning, by the more profitable employment of selling the blood of the people, 10*s.* 12*s.* and 15*s.* a week. A person, whose name was Raines, who was a captain in the militia, and had served under a gallant officer now no more, whose name it would not be proper to mention, had published a book giving an account of the transactions in which he was engaged; of the instructions under which he acted; and of the claims which he conceived himself to have on government in consequence. He would appeal to the hon. member for Bramber, whose opinion he wished to have on this subject. Instructions, it seemed, were given to procure persons to be "twisted in," as it was technically called, members of certain societies. This was to take oaths imprecating the destruction of body and soul in case of disclosure of any of the proceedings of these societies, oaths conceived in the most horrible and offensive terms; and this officer, agreeably to his instructions, actually persuaded persons to take this oath, and to enter into every engagement with these societies, for the purpose of betraying them. He did not wish to set up for a great moralist, or to make professions of superior sanctity; but he should think himself the basest of human beings if he were to lend his countenance to such infamous transactions. And, to support what? The law—by the breach of every law, human and divine.

But to come particularly to the point. The right hon. gentleman had challenged any person to bring forward any charge against the character of Oliver. He was prepared to meet that challenge. The House should be judge between them. He had accidentally become acquainted with certain particulars of the history of that person, which he should state to the House; and when they heard the case they would not dare refuse giving instructions to the committee. He said they would not dare refuse, because he knew that they felt the importance of upholding their character, and supporting their reputation, in the minds of the people. He had no doubt that the right hon. gentleman who now bestowed this panegyric on Oliver would last year have been ready to bestow the same panegyric on Castles. Castles was believed by the right hon. gentleman and by the attorney and solicitor-general—but thank God he was not believed by an English jury. This favourite witness of the government was paid and clothed by them. This was enough to mark their system. This Castles, this bully of a brothel, this wretch who had been tried for uttering forged notes, this worthless scoundrel, who had been a spy before under the transport office, the police magistrates thought fit to clothe at a considerable expense that he might come into court like a gentleman, and give evidence against persons who, though not guilty of high treason, had certainly committed some acts for which they might have been punished, if tried for a minor offence. Now with respect to this Oliver, this man of exemplary morals, this man for whose character the right hon. gentleman had so stoutly vouched, without gratifying him with the particulars of his history, he could tell the right hon. gentleman, that so far from his character being unsullied, he had begun his career by an act which not unfrequently marked the outset of persons who rose by degrees to the summit of crime—he began by commiting that fraud on women which Mr. Castles had also committed—like Mr. Castles, he had been guilty of bigamy. There were other parts of his character, which, whenever the right hon. gentleman put this witness into the box, he was ready to take up. He could produce sufficient evidence to show, that so far from Oliver being a man of unsullied moral character, he owed to the mercy of others, to the mercy of a benefactor whom he had basely and wickedly injured—the miserable and infamous life which he then held. He should say no more on that subject at present, although he had taken great pains to ascertain the truth of the circumstances to which he had alluded, which came to him from a most respectable source. Oliver was, he believed, first introduced to a small society in London by a person of the name of Pendrill. On the 24th of April, Oliver departed from London with a person of the name of Mitchell, to see Mr. Pendrill at Liverpool, who was on his way to America. On their reaching Birmingham, Oliver was introduced to a Mr. Jones, of that town, by Mitchell, with whom Mr. Jones had been acquainted many years, and of whom he had a very high opinion. He invited a few of his friends, who were also friends of parliamentary reform, to spend the evening at his house with the London delegate. Four persons answered the invitation. He would tell the right hon. gentleman, that witnesses could be produced to all the particulars which he might state, who were ready to come forward to be examined, if the House should consent to the appointment of a committee of inquiry. The conversation at the house of Mr. Jones turned generally on politics. Oliver stated, that after he had seen his friend Pendrill safe on board he should immediately enter on the business for which he was delegated from London—that he was going to set out on a sort of tour through Derby, Leeds, Sheffield, Wakefield, Manchester, and other manufacturing places in the north—that the great object of his tour was to get petitions for reform by tens throughout England. He said he should endeavour to get persons from the different towns through which he passed to meet him at Wakefield to take the subject into consideration. He very much urged the individuals present to send a person to meet him there, as a delegate from Birmingham. At this proposal the persons present only laughed. They told him of the absurdity of five individuals taking upon themselves to delegate a person from so large a town as Birmingham. He smiled at the objection, and observed to them, "You are very green in the country yet." A few days after Oliver's departure, he sent a letter to Mr. Jones at Birmingham, informing him, that a meeting was fixed on at Wakefield for the 5th of May; that there had already been one meeting there, and requesting some person to be sent from Birmingham to attend. Oliver then went to Leeds, Manchester, Sheffield, and other places in that part of the country, and they had evidence that at all those places he had called on the most respectable persons, whom he had stimulated to attend the meetings. He represented himself as a man who had been long actively employed in important transactions—as concerned in the business of 1792, as connected with Despard, as having facilitated the escape of Thistlewood and young Watson, and as having collected money for them. He stimulated them to enter into engagements to send delegates. To Wakefield he went first by himself—his companion had been arrested at Huddersfield. The hon. gentleman said, he had in his possession a narrative, drawn up by two persons, of what had taken place there; and he had opportunities of authenticating the most minute circumstances of this narrative. On the arrival of the delegate from Birmingham, he called on Oliver at his inn, and found him in the parlour alone. He expressed great grief at the arrest of Mitchell, and after deploring for some time the loss the cause would sustain through it, he looked at his watch, and observed that it was time to attend the meeting. As they were walking towards the place appointed, Oliver said it was his firm conviction that "their new plan of petitioning would have no effect on their oppressors, and that nothing short of physical force would do any good." The person to whom he said this, observed, "I come here for no such purpose." Oliver afterwards asked this person, "should there be any necessity, do you think all who attended a meeting at Birmingham would be ready to fight for their liberties?" The Birmingham delegate was astonished at the question, and observed, it was a subject on which he had never entertained a thought, nor did he know of any person in Birmingham who had any such ideas. Oliver told him, it was highly necessary, he should give as good an account as he possibly could from Birmingham, to strengthen and keep up the spirits of those who should attend the meeting. The delegate answered, he could but state facts; he should be sorry to deceive any one. On their entering the place of meeting, he was surprised to see only a few poor creatures who appeared to be in want of the common necessaries of life.—At this meeting of delegates on the 5th of May, ten were present; one from Birmingham, one from Liverpool, two from Huddersfield, one from Halifax, one from Sheffield, one from Leeds, two from Wakefield, and one from Manchester. Oliver was called to the chair, but declined. The delegate from Birmingham was then selected, and he took the chair. Oliver opened the proceedings of the day, by observing, that the distressed condition of the people was unparalleled at any former period—that the voice of the people was entirely disregarded by the parliament:—he said that it was useless to petition any more—that London was looking to the country—that they must now recur to physical force—that for that purpose it was necessary to ascertain what men and what number of arms they could obtain. He then pulled out a number of cards from his pocket, and proposed that each person there present should write on a card the greatest number that each town could raise, if called upon; and that each person should sign such card with his own name. This proposal gave general dissatisfaction; upon which Oliver said, it was highly necessary that the body in London from which he was delegated, should have as correct a report as possible of the force which could be collected in the country; but as they still objected, he said, "O, never mind, I will do it myself." He then asked what each place could raise if called upon, and he wrote it down on a piece of paper. This he (Mr. B.) in his conscience believed was the foundation for what was stated in the report, with respect to the arrangement of the quotas to be furnished by the several places. This could be proved on the oath of credible witnesses. After this they had a statement from Oliver himself of his proceedings: he had written a letter to his friend Mitchell, coloured in the most base and infamous manner—base towards Pendrill, his benefactor, who had saved him from prison, and who was a high-minded and excellent character: and in that letter he said, we had a most excellent meeting—"we had that excellent fellow, Bacon, there." He knew that Oliver subsequently visited Mitchell three times in Coldbath-fields. He proposed to Mitchell in prison, that he should write to his friends in the north, entreating them to make an appeal to arms: Mitchell said, "I beg you will quit my presence." How long Oliver stayed in London he did not know; but he knew, notwithstanding what the right hon. gentleman had said, that he made his appearance at Derby and Nottingham—

Mr. *Bathurst* observed, that he had never denied Oliver's being at Nottingham; and with respect to Derby, he only said he was never in the place where the insurrection was.

Mr. *Bennet* continued. He said, he might not be in the particular barn; but he would show by-and-by, what the connexion of Oliver was with Derby. On the 26th of May he went to Derby. There a person, whose name he should not mention, from whom he had a statement, saw him. On that day the 26th of May 1817, one James Birkin came to him, and told him there was at the House of a person in Derby, a gentleman who was sent to the country by a committee of gentlemen in London, to ascertain the sentiments of the people respecting parliamentary reform. This person went to the Talbot inn, and saw the gentleman from London, who said his name was Oliver, and received him politely. Soon after, a person present observed, that the town was confused with the cavalry, and other soldiers, ordered out in consequence of some expected disturbance. Oliver said it would be another grand hoax on the government, and when the time arrived they would be asleep A conversation then ensued respecting parliamentary reform, and the distressed state of the country. Oliver said, that "all legal means had been tried to no purpose, and that the London people never meant to petition any more." Oliver asked for a person who had been talked of the night before. It was replied, that it was not certain that he would come. He however came in. After some observations on sir Francis Burdett's motion for reform, Oliver said, that it was evident that petitioning parliament was of no use. He was then asked, if he considered reform to be altogether impracticable? To this Oliver said, No, not in London, as there were other means to be tried; and that in London they were more active than ever to obtain their rights. Oliver was then asked, what way they meant to proceed? and he said, "they meant to try those means they had left, which was physical force; and that they were only waiting the determination of their friends in the country." He was told that the country would not do any thing. "In that," said Oliver, "you are mistaken; half the country is in an organized state, particularly Birmingham, Sheffield, Leeds, and most of the manufacturing districts." He added, "that the people about Leeds were all armed, and with difficulty kept down until the appointed time." He was then told, that Derby was a very loyal place, and that he must not expect any thing of the kind there. Oliver said, "it was of little consequence, but it would be better if something could be done; but that if the country would come forward, and stand with knobbed sticks in their hands, the business would be done in London, where 60 or 70,000 armed men would be raised in an hour or two's notice." He thus, it would be seen, repeated what he had before stated on the 5th of May at Wakefield. He then said, "I have been at several meetings in Yorkshire, and have there engaged a press for the printing of the proclamations, which are to be posted up in every conspicuous place in the kingdom. Mr. Wooler, the publisher of The Black Dwarf, has undertaken that part of the business. and I am now going round the country to strengthen the hands of the people in the cause. I am for Nottingham to-day, for Sheffield to-morrow, for Leeds on Wednesday, for Manchester on Thursday, and, if possible, I mean to go to Liverpool the day after, as they are not quite so forward there as I could wish." It was probable he went thither, as a letter was received from him, dated there, on that day. "But," he said, "I must be back to Birmingham on Sunday next. They are forward there, and have plenty of arms. But," said he, "you are not deficient in arms in Derby. You have a depot there." He was told yes; but that the arms were sent to Weedon. Oliver then said, the Wolverhampton men would knock Weedon over. One of the party said, "I have a brother there who is very ill." Oliver inquiring what he was, was told a bricklayer. Oliver asked if the man had ever been there? The man answered, No, sir, it is a place I should like to go to, and have wished it for some time, but poverty has prevented me. Oliver then asked him if he would go over, "as it would be serviceable to the Wolverhampton men? For," said he, "as you have a brother there, and are a bricklayer, you would not be suspected." The man answered, that he could not raise five shillings in the world, and that besides, his brother was averse to every thing of the kind, and he dared not introduce any thing of the sort to him. "Well," says he, "you need not say any thing to him about it; you can go, and get him to go round the place with you and make your own observations, unknown to your brother. If you will go, you must go and come back by Birmingham; and I will give you a letter to a gentleman who will give you plenty of money." A letter to this purpose was written, which was destroyed by the person, who saw several of his neighbours taken up; but it would be sworn to by the person who had it, and others who saw it.

Could any one doubt, that if any man had gone to Weedon, in pursuance of the plan of Oliver, that he would have incurred the guilt of high treason? Yet this person, it was said, did not stimulate persons to illegal acts! This person did not stimulate the people at Derby, Nottingham, Liverpool, Leeds, and Birmingham! From this place Oliver goes to Nottingham; the same day, according to his own previous declaration; and there he appears as the London delegate. He tells them that Yorkshire, &c. were all in arms —and that day Oliver saw Brandreth—he had an affidavit in his possession as to that fact. ["What is the name?" From Mr. Bathurst.] He should not name him; but if the right hon. gentleman would consent to an inquiry, he would produce the witness. Besides, he held in his hand the statement of Brandreth himself, made in confidence to his solicitor before the trial. He had it in the solicitor's own writing. The meeting was at the House of a person of great consequence. Among the few persons who were active in these transactions, was a Mr. Stevens. He believed he (Mr. B.), from his information, knew more of these proceedings than the secret committee. The meeting took place at the Three Salmons public-house. The witness he spoke of there met Oliver with Brandreth, "who appeared to be the most concerned with Oliver of any one, put the most questions to him, and listened attentively to his answers." In the course of conversation, Oliver said, he had been to see Wooler in prison, the last thing before he left London, and that Wooler would be the man to write the proclamations. He said there would be 10,000 printed. He said, he wondered what the people of Nottingham were about. The people in Yorkshire and Lancashire were hardly to be kept down. Oliver said the people were ripe in London, and were now determined to carry their complaints to the foot of the throne, for petitioning (meaning to the House of Commons) was of no use. He requested some persons to explore

Weedon barracks, and observed what a large store of arms and ammunition was there. This was the statement which a man had delivered on his oath:—"Jeremiah Brandreth.—He states, that he attended a meeting at Nottingham, at the sign of the Three Salmons, at which several persons attended, and, amongst the rest, Oliver. That this meeting was on Whitsun Monday, or Monday after. That he told the persons assembled, that he had been round the circuit, at Manchester and Yorkshire, and was then going to London by Birmingham. That he stated that every person was perfectly ready to rise, and that he could raise 70,000 men in London; that the people in London would not be satisfied unless Nottingham was perfectly secured; for it was the rallying point for Nottinghamshire, Derbyshire, and Leicestershire; and that if that was not secured, the passage over the Trent would be perfectly stopped for the Northern forces; that they must proceed forward to London as soon as they could raise sufficient men against the loyalists. Nottingham was to be continually supported by Northern forces in succession."

So far Brandreth's statement. Oliver was not satisfied with this. He returned to Nottingham on the 6th of June, and said he would raise the standard there himself; but, said he, "I am obliged to be absent to support our friends in Yorkshire, who are now in arms to support the cause which you are so slack in defending."—But to conclude the statement of Oliver's journies. On the authority of the same witness, he could state, that Oliver returned to Birmingham. There he put forth his usual assertions. He told them that he had paid several visits to Mr. Wooler, that he was a hearty good fellow; and that nothing could daunt his intrepid spirit; that it was a terrible misfortune he was in prison, for he would have assisted the cause wonderfully; that he would have printed some thousands of proclamations for distribution in every large town, to rouse the people into action. That the people in the North of England were already ripe for the onset against their oppressors, and that they could scarcely be kept down from rising before the appointed day; that vast bodies of men were ready to pour down from Scotland, that would overwhelm every thing before them; and that the day of retribution to their most unfeeling tyrants was near at hand. That sir Francis Burdett, major Cartwright, and many others, whose names it would not be proper to disclose, were well acquainted with the whole of these things. That several officers of distinction would take any post to which they might be appointed by the people; the disclosure of whose names, however, he told them, would be very improper, but that they might depend upon it, that all that he had told them was very true.

It was to be remembered, in the delegation at Thornhill Lees, how anxious Oliver was to get together delegates. To give a colour to this proceeding, he seemed to think it essential to procure a person who might call himself a delegate from Birmingham. The report of the secret committee, last session, spoke of persons acting with assumed or delegated authority. As if there was no difference between assumed and delegated! Whereas in truth, in the ascertaining of that fact, was all the importance of the question; for though these persons might be formidable if they had a delegated authority, yet, if they merely assumed their authority, they would be of no importance at all. Oliver could prevail on no person to pretend even an assumed authority from Birmingham. For as for delegates, the eight or ten paupers assembled at Thornhill Lees, were just as much delegates from the people as Oliver was a delegate from major Cartwright and sir F. Burdett. But he was very anxious to get a show of a delegation. Pressing letters were sent to Mr. Jones, and Oliver's agent and associate. George Crabtree was also sent to Birmingham, to induce some persons to attend; but the persons to whom he addressed himself knew he was a mischievous man, and told him he could expect no aid from Birmingham in such a cause. Yet Oliver had represented Birmingham to be in a state approaching insurrection, in order to excite the people in Nottingham and in Derby.

He had now laid before the House a small portion of the statements which he possessed. There was one remarkable fact, however, to which he requested their particular attention. From the day Oliver was detected and ceased his missionary tour, the public tranquillity was restored. That there had been disturbances was well known. There was much discontent in the country, because there was much distress. It was easy for those who enjoyed in tranquillity every comfort and luxury that opulence could bestow, either out of their private fortunes, or out of the sums which for their services or their no-services they took from the public purse, to recommend patience, and to reprobate in strong terms that insubordination, the causes of which they very imperfectly understood. They had never heard the cries of wife or children clamouring for food which they could not give them. They were ignorant of the feelings of a man who found himself almost of necessity linked to any companions who could hold out a hope, however dangerous and precarious, of saving himself from the pit of perdition that yawned before him and his family. Nine-tenths of those who had been disaffected were in that condition—he did not deny that there were some mischievous men who wished to take advantage of that distress; but was the mischief so deep, so combined, so extensive, as to afford ground for rational alarm? It was loose, scattered, undefined, unregulated discontent. But with Oliver to stimulate and direct them, the business took quite another turn; and while he was setting one town and one county against another, proclaiming to one district that its neighbour was ready, and upbraiding all with timidity and delay, the consequence was almost unavoidable, that these miserable wretches would, if possible, have resorted to that physical force so strenuously recommended to them by the missionaries of government. He would put this question to the House. According to the random estimate of Mr. Colquhoun there were 30 or 40,000 people who lived by depredation in London; persons who rose every morning without hopes of obtaining any regular employment, or of securing a bed for the ensuing night, and who of course were always ready for any mischief that might offer. There were at any rate many thousands, and a proportionate number in other great towns. What would be said if government sent missionaries among these thieves—who would tell them it was now time to rifle the rich and plunder in union—at Manchester, Liverpool, Leeds, and Sheffield, and to make a combination of those plunderers whom it was the object of the law to keep disconnected? And why had the government acted towards the discontent which had arisen out of want in a manner which would be deemed madness towards the spoilers of the public? Before he sat down, he wished to say a word as to an argument he had been sorry to hear urged as a proof of Oliver's absence in these transactions; the argument urging the use he might have been of to the prisoners as a witness for them, if all these facts were true. "If Oliver had any such concern in these transactions, why," said the hon. gentleman opposite, "did he remain concealed? he was on the spot and might have been called." It was true he was on the spot ready to purchase the blood-money of Brandreth also; but the reason he was not called was, that he would have been too dangerous a witness for the prisoners; he would have proved, not that they were not guilty of treason, but that they had been seduced into it; and that would have furnished no defence, that would only have forfeited their blood with greater certainty to the avarice of government missionaries. The judge himself must have stopped such evidence, and have told the prisoners they only confessed their guilt by calling it. Just as, in the last century, it was held to be no excuse to the tenants of the earl of Derwentwater, that they had been led into rebellion in obedience to their lord. An argument thus urged against the prisoners was a disgrace—he would call it so again, a disgrace—to the justice of the country. It was on that account that the trials took the course they did. It was on that account that Bacon was not tried first. Oliver would have been an important witness against Bacon; but Bacon's trial would have had a most important effect on the trials of the other prisoners, it was for that reason that this master traitor was kept back, and suffered to escape with a milder punishment than less guilty persons. He was sorry to have detained the House so long on this subject, but he believed he had exaggerated nothing, and treated the matter with no more asperity than it called for. He was actuated by a strong wish to save the country from the farther progress of a system, the natural consequences of which the right hon. gentleman had shown—which he (Mr. Bennet) had shown. He was prepared to substantiate every material fact he had stated on the oath of witnesses—aye, of credible witnesses; not such witnesses as Castles [Hear! hear!]. The hon. gentleman might well say hear, and then refuse all inquiry. They might carry it by their majorities, but this would not do with the country. They stood before the country, and a verdict would be given, not only on the system, but on the House itself, such as the enormity of the case required.

Mr. *Wilberforce*, notwithstanding the latter words of the hon. gentleman's speech, could not help protesting against the distrust he had expressed against the committee, and which tended to raise a prejudice against it before the result of its inquiry could be known; he should not, however, feel embarrassed while sitting in that committee; but the reason why, as a member of that House, he objected to the motion of the hon. gentleman was, that it was founded on a false assumption; it was founded on an idea that the late committee had attributed some specific part of the disturbances in question to Oliver; whereas, that was not the meaning of the committee. After stating that certain disturbances had existed prior to the employment of Oliver, it did not choose to throw out of view what effect the language of Oliver might have had towards continuing those disturbances, lest, by so doing, it might have incurred a charge of disingenuousness; not that the committee believed the influence of Oliver had had any particular effect, but only that general effect always consequent on the employment of such means for the detection of crime; if, therefore, he rejected the motion on that ground, it was because it proceeded upon a false hypothesis. If the hon. gentleman contended that some specification of Oliver's particular offences was intended to be conveyed by the language of the committee, he, for one, could assure him that he had no such meaning. He never meant to say, that nothing in these disturbances was attributable to Oliver; but what had just been stated by the hon. gentleman if considered as having some weight, was also to be received with some distrust as coming from a doubtful source. He remembered when an account was formerly given in that House of some diplomacy between lord Malmesbury and M. de la Croix, very much in favour of lord Malmesbury, that Mr. Fox had said he should like to hear M. de la Croix; so he (Mr. Wilberforce) should like to hear Oliver—he did not mean in the committee, but by some other means, to ascertain the truth of what had been alleged against him. If those things were so, he conceived that if any man could be proved to have acted the part this man was represented to have done, he could be, and ought to be brought to justice. It would be a service to the public, to bring to justice a person who had acted so differently from what was expected from him. But as to the character of such persons, they were always indifferent; and it was necessary to entertain suspicions of a man, who would volunteer, by fraud and treachery, to discover the designs of other people—who could put on their language and habits for the express purpose of betraying them; and it was, therefore, very proper in the committee to say, that something of the disturbances might be attributable to the language and conduct of this man. But he was astonished that men of honourable feelings, who did not condemn the employment of spies, who admitted them to be necessary in certain cases, for surely the hon. mover had said "he would not decide whether spies should or should not be employed, or whether they should go about to tell lies—" he was astonished that they did not see that such a character could not go about with any prospect of obtaining information, unless he acted in that manner. If he forbore to do so, he must relinquish his views altogether. But he did think it unfair that, persons who did not disallow the employment of such persons, should vent their whole indignation on them if they exceeded their instructions by never so small a degree. It was not at the falsehood, but at the degree, that exception was taken. He was astonished that gentlemen did not see that these were crooked paths; and he was convinced that he would do a most material service to his country, who could succeed in exploding the system altogether. But they were inconsistent who admitted it to be allowable, and then were indignant if spies happened a little to exceed their instructions. Certainly, the employment of such engines was not allowable in a religious view. The God of truth abhorred falsehood, and all the ways of deceit. It was equally repugnant to any notions of honour or morality, or to the feelings of a gentleman; and on the mere ground of political expediency, the objections to it were almost as strong. Though the employment of spies might, in some particular instances, be attended with short and temporary advantages, and government might be able to detect some treasons which would otherwise escape punishment, yet he thought those advantages were much more than counterbalanced by the inconveniences that ensued. When he considered all the mistrust that such a system must occasion, even to the disturbance of domestic peace and confidence; when he considered the temptations to false information of every description; the misconstructions that might be put on the most innocent actions; and the suspicions and disaffection that must be excited against the government itself, he thought the general confusion that such a system would excite, must, in the long run, impede much more than further the cause of good order. He had no hesitation in saying, that he condemned the use of all such instruments. The country and the government would lose more than they would gain by them; the former, in that confidence which, in superintending the execution of the law, it should command; and the latter, in that abhorrence of all attempts to disturb the public tranquillity, for which the employment of such agents furnished something like an apology. One of the greatest evils they produced was, a distrust in the administration of justice, which they polluted, and a false sympathy with the violators of the law, and the disturbers of the public peace. Notwithstanding all that had been said by the disaffected or the discontented; notwithstanding the real sufferings which had been felt in the late season of distress, and the unequivocal breaches of the law which had taken place, he was proud to say, that there never was, in any age or country, a greater share of real liberty enjoyed; there never was a more prosperous, a more moral, or a happier nation; but by the use of such agents, the people, instead of being proud of their constitution, and clinging to the blessings which they possessed under it; instead of feeling an anxiety to preserve them, and a detestation of those crimes which tended to undermine them, would have their principles perverted, and their sympathies turned in favour of their worst enemies. This he regarded as most injurious to the country. And after all it was impossible to get at truth by such means. As an instance, he had never heard two stories more different than that which he had heard that night, and that which he had heard on the committee. Before the committe [illegible]iver was described as being, so far from one of those extraordinary villains who snatch a grace beyond the reach of art—much too little of a rascal for his profession; and that, on that account, he was always open to detection. Let the practice not be defended on the ground that it was necessary for the preservation of the public peace. No! no! the British empire did not stand in need of such assistance to maintain its security; it claimed no protection from such allies. Our liberties, our rights, and our tranquillity, stood on the principles of law and the constitution, and despised the aid or the countenance of such base associates. He must say, however, that with those sentiments of the persons alluded to in the motion, he was against the motion itself. He was against the motion, because it involved an inquiry that could not well be carried on in the committee, and for which the committee was not the proper place; and he must say, that he, for one, would not take a seat in the committee to which such an inquiry should be referred.

Mr. *Bennet* observed, that he had not expressed himself at all in favour of the employment of such instruments. All he had observed was, that it was most difficult to distinguish between repentant sinners, and those who were actuated by hopes of lucre.

The *Solicitor General* said, he felt himself called upon to answer some observations which had been made by the hon. gentleman on the conduct of his hon. and learned colleague; and but for this attack, he should not have been induced to trouble the House. With regard to the motion itself, he did not think that it required much reasoning to show that it ought not to be entertained. The motion was grounded solely and exclusively on a passage in the report of the secret committee, which could not bear the construction put upon it. It proceeded on the supposition, that the passage alluded to imputed criminal actions to those spies into whose conduct it was its object to recommend the institution of a criminal inquiry. The report, however, could bear no such construction: it imputed nothing that could be the foundation of a criminal indictment: yet the whole of the hon. opener's speech rested on such a construction. He would read the passage, and the House would be convinced of the erroneous use made of it. "Upon the whole," it said, "your Committee have been anxious neither to extenuate nor exaggerate the nature and extent of the danger. They have not been insensible to the jealousy with which the testimony of persons originally implicated in the designs of the conspirators, or even of persons who never having engaged in those designs, have attended such meetings, in order to discover and report their proceedings, ought to be received; but the facts stated by your committee rest not only on confirmatory evidence, but on distinct, substantive, and satisfactory testimony; and although your committee have reason to apprehend, that the language and conduct of some persons from whom information has been derived may, in some instances, have had the effect of encouraging those designs, which it was intended they should only be the instruments of detecting, yet it is perfectly clear to your Committee, that before any such encouragement could have been given, the plan of a simultaneous insurrection in different parts of the country had been actually concerted, and its execution fully determined on." This passage attached no criminality to the persons alluded to, which could be made the subject of a criminal prosecution. If a design had previously been formed, which it was determined to carry into execution, and if persons who were sent to detect it had only taken the means of ascertaining its existence by seeming to join in its conduct, such a proceeding could not be made the subject of a criminal charge. If these persons had themselves formed the plan, and endeavoured to procure persons to sanction and to execute it, the case would have been altered, and the present motion for their prosecution would have been just and proper. No such criminality was here imputed; and the hon. member, as if aware of the fact, had filled his speech with other topics, and introduced many statements both extraneous and unauthorized. The hon. member had not given the names of the individuals from whom he derived that information on which he seemed so implicitly to rely; but he (the solicitor general) suspected the sources, and one name, that of Mitchell, introduced inadvertently into his statement, gave him almost a certain clue to the rest. This person had been suspected of high treason, and had been taken up and imprisoned on the charge; and was he therefore to be thought a proper witness in implicating the character of those who might be employed to detect his designs, or in making charges against the government who prevented him from carrying them into execution? Then there was Pendrill who had fled to America. And Stephen who was likewise in America, who might have furnished the facts of the statement which the House had heard. Mitchell had been charged with high treason [Hear, hear!]. He would ask the hon. gentleman opposite, who cheered this statement, if a charge of treason increased the credibility of the person who furnished the narrative against his prosecutors. He knew that now-a-days persons who had been brought before the courts of law on the gravest charges, had been considered as persecuted individuals; that they had been held up as proper objeets for public bounty; that they had been looked upon as martyrs in the cause of liberty, and that that odium which ought to have been directed against those who had violated the law, and were endeavouring to destroy the moral principles, or to disturb the general tranquillity of the country, had been attempted to be turned against those who had exerted themselves to preserve them, as if they, and not the country, had been the sufferers, and ought to receive redress. Individuals who by their conduct had made themselves amenable to the law, thought that by raising a cry against Oliver and the spies, they could shift the criminality from themselves, and impute the whole to a conspiracy of the government. They, poor innocent souls, never harboured a design to disturb the public peace, or to commit treason; they were merely deluded by the artifice of government spies, and had never hatched any plots themselves; the whole was the fabrication of their tempters; and yet this came from the very person, Mitchell, who, by his own admission, went with Oliver from London with the intention of agitating the country. But on the scene he did nothing—Oliver (by-the-by a total stranger in the place) was the sole agent—Oliver organized the plans—Oliver arranged all the movements of the disaffected—he inspired the disturbed districts with the design of overturning the government, and arming for the purpose of general confusion. The manner in which the hon. gentleman alluded to the administration of justice, and the conduct of his learned and hon. friend, the attorney general, seemed calculated to countenance such representations, and to prejudice the minds of the public against the prosecution of the violaters of the law. He had mentioned the name of Castles—a witness that was called on the late trials for high treason in Westminster, as the attorney general's witness; whereas he must have known that he was the witness of the Crown and the country. Did not his hon. and learned friend mention to the jury the character of this person—did he not tell them not to believe one word of his testimony, unless it was confirmed by other witnesses? Castles had been called a spy; but the hon. gentleman must have known, if he had read the trial, that this person had never been employed in that capacity by government, and not one syllable of his testimony was known to his hon. and learned friend till long after the transactions to which it referred. It was never even hinted that he was a spy on the trial; he appeared there in the character of a witness, and was introduced as an accomplice who had turned evidence. He did not think, therefore, that those charges were fair; or, at least, they must have been known, upon the slightest consideration, to have been unfounded. Then the hon. gentleman went to the trials at Derby, and he (the solicitor-general) would beg of him to be more guarded in his statements, and not advance charges which might prejudice the public mind without a shadow of foundation. He had said, that his hon. and learned friend had brought Oliver to that place, and had him ready to produce on the trial to sell the blood of the prisoners. The hon. gentleman upon the slightest examination, might have learned that Oliver could not there have been produced as a witness by his hon. and learned friend, as he was not in the list of witnesses given to the prisoners. Yet, with such a fact, so easily accessible to any person on inquiry, the hon. gentleman had said, that he was brought there to receive the blood money on the conviction of the traitors. Had his hon. and learned friend produced this person, the cry that would have been raised against him might easily have been anticipated. Those who now find fault with the crown-officers for not examining him, would have been the first to exclaim.—"You have sent a spy to organize rebellion; and now you convict the victims of his artifice on his polluted testimony." As he was not produced, it was said that if he had appeared a conviction would not have been obtained, so that in all cases censure must be thrown on government; and they must be wrong whatever course they pursued. The hon. gentleman, in speaking of the crimes for which one of the prisoners had been convicted and punished, had used the gentle term of illegal acts. Such were the words that he applied to the conduct of a man, who, in prosecution of treasonable purposes, had committed the crime of murder! The expressions, he would appeal to the House, were used, and he had himself taken them down at the time.

Mr. *Bennet* begged to explain. He had more than once, in the course of his observations, called the prisoners at Derby, traitors.

The *Solicitor General*, in continuation, said, that whatever other expressions the hon. gentleman had used, and he did not mean to deny his use of the word traitors, he had likewise employed the terms which he had quoted. The hon. gentleman had said, that as the attorney-general had not produced Oliver, he could not have been called by the counsel for the prisoners, because his testimony, if received at all, must have gone to convict them. He allowed this, so far as regarded the effect of his testimony to acquit them; but if it could have established the fact that they had been deluded by him, might it not have operated favourably in their behalf, when, after conviction on competent evidence, they were called up to receive judgment? But so far were they from thinking they had any such evidence reserved for a mitigation of punishment, that it appeared on the trial they did not even know of the name of Oliver. Their guilt had been contracted even before that person went among them. According to the statement given to-night, Oliver and Brandreth did not meet, it was said, till the 26th of May; but meetings of the conspirators had taken place before that date, and the plan was arranged which afterwards ended in the insurrection of the 9th of June. Nothing appeared in the hon. gentleman's narrative that tended to show that Oliver had arranged the conspiracy. The reason given by the hon. gentleman for not trying Bacon first — namely, that if that trial had been first proceeded in, Oliver must have been produced—was wholly groundless; and was a representation which should not go forth to the country uncontradicted, notwithstanding the strong asseveration with which it was adduced. Oliver, the hon. gentleman should have known, was not on the list of witnesses served upon the prisoners, and could not, therefore, have been produced. He (the solicitor-general) had now vindicated the proceedings of the law-officers, and shown that the motion was grounded on a mistake of the report. He therefore saw no reason for complying with the motion.

Sir *S. Romilly* said, he was surprised at the course pursued by the two last speakers, in addressing themselves more to the mode of inquiry than the substance of the charges. His hon. friend, the member for Bramber, had objected to a reference of the inquiry to the committee of secrecy; and his hon. and learned friend, the solicitor-general, had contented himself with showing that the passage in the report to which the motion alluded did not bear the construction put upon it so as to render a reference to the committee necessary. He himself had no particular desire that the examination proposed should be referred to the committee of secrecy; but he would vote for his hon. friend's motion, because he thought some course should be adopted to sift the alleged charges, and this was the one that had been suggested. He wished for a committee of inquiry, but it did not matter with him whether this committee or another should be instrusted with the inquiry. Indeed, after what had been said by the noble member for Yorkshire, that he stood alone in the secret committee, and that he merely attended it because he wished to fulfil a duty imposed upon him by the House, and not with any hopes of doing any good in it, he would have preferred another mode of inquiry. Some inquiry was, however, absolutely necessary; and after the charges which had been heard from his hon. friend that night, with the pledge which he had given that he could substantiate them by witnesses upon oath, if a proper opportunity were allowed, he would repeat the words which his hon. friend had used, and say, that he thought the House would not dare to resist inquiry into the truth. This parliament was drawing near to a dissolution; and how could the members who composed it meet their constituents at a new election, if they heard such grave charges, and resisted an examination into them? His hon. and learned friend thought he had got quit of the charges, because he said the statements came from a polluted source; and he must say that, since he had a seat in parliament, he never heard a man treated more unfairly than his hon. friend had been by the solicitor-general. He (the solicitor-general) had suspected that the narrative came from Mitchell, and because Mitchell had been arrested by government on suspicion of treason, therefore his evidence was said by his hon. and learned friend to come from a polluted source. He was arrested on the 21st of June, and because he was arrested, no matter on what evidence, therefore his evidence was to be inadmissible, and his oath to be discredited. His hon. and learned friend had found out a new expedient for the use of government, and promulgated it on the high authority of one of the first law officers of the Crown, to disqualify a witness who might be brought against his majesty's ministers. According to this new plan, government had only to throw the obnoxious individual into prison, and then his testimony would cease any longer to be credible. The moment he was taken up, he not only would lose his liberty but his character, and could never afterwards be believed. Once adopt such a principle, and every minister would find it his interest to take the widest possible range of accusation, as the most effectual step to his own security, by disqualifying all the witnesses that might be brought against him. His hon. and learned friend had said the whole of the evidence came from a polluted source, and he had not used the phrase inadvertently, as his hon. friend used the words illegal acts, as applied to treason, but had frequently repeated it. But then there were another or two contributors to the narrative, according to his suspicion, who were not imprisoned, but who had gone to America. They had, however, gone thither before the events mentioned in the narrative took place. The charges were not, however, to be destroyed upon such reasoning; the country would not acquit government upon the mere allegation that they proceeded from a polluted source. When his hon. friend, with his high character for honour and integrity, came forward and said that he could support them upon oath—that he had inquired into the testimony on which they were founded, and believed it entitled to credit—he would again use the phrase, that the House would not dare in the face of the public to resist inquiry. Adverting to the trials at Derby, he (sir S. Romilly) said that his hon. and learned friend had dealt unfairly with the House, in what he had stated regarding them. He had said, that it appeared on the trial of Brandreth, that meetings and plots had taken place or been formed before the 26th of May, and he wished this statement to go forth to the public as a satisfactory answer to the charge that Oliver had arranged the plan of the insurrection which took place on the 9th of June. Now not one word came out in evidence that any plots had been formed previous to the former date. The testimony of the witnesses there examined did not relate to any proceeding anterior to the 8th of June. The hon. and learned solicitor-general had turned the speech of an hon. friend (Mr. Bennet) rather invidiously against him. It was not pretended by him, and no man could so have understood, that the traitors at Derby had not been guilty of crimes for which they merited death by law. Brandreth had committed murder, and others had not less deservedly suffered. No man of common candour could have so mistaken and misrepresented his hon. friend. It looked like an intention on the part of the learned solicitor-general, to throw a stain upon an honourable and unblemished individual—an attempt to prove that he was a suborner of improper evidence, [the solicitor-general said that he had not used the word suborner.] Unquestionably not, but his language implied as much; that the hon. member had examined witnesses and taken evidence from polluted sources, and that he had as it were made common cause with traitors and murderers by justifying their crimes. [The solicitor-general denied having said, this.] Perhaps the expression of the hon. and learned gentleman had not been quite so strong, and perhaps he would have the goodness to explain presently, what it was he did say, to which might certainly be applied the mitigated phrase, that it seemed dictated by some degree of malignity. The hon. gentleman who spoke last but one had censured, with the utmost warmth, the employment of spies and informers under any circumstances. He (sir S. Romilly) was not casuist enough to be able at this moment to decide whether their assistance ought never to be required — whether private treachery might ever be encouraged for the sake of discovering public delinquency; but at the same time he was still farther from agreeing with the noble lord, who, on a former occasion, had not only justified but applauded their employment. It was singular, however, thinking as the hon. member did that they were pests to society; that they betrayed the confidence of friendship, and broke the ties of blood; that they took advantage of the wants of their fellow citizens, and led them on under colour of co-operation, from discontent to sedition, and from sedition to treason—that he should object to the motion, and upon a matter so imperiously demanding investigation, resist all inquiry. Would not this reference to the committee at least tend to diminish the use of spies, and to remove this plague from the bosoms of the peaceful and well-disposed inhabitants of the country? It was a subject of vital importance, yet the hon. gentleman refused to take a step that would accomplish an object so desirable. Still the hon. member had expressed a wish to hear Oliver tell his own story; and why could not this be done before the committee? Did he think that the unhappy man would be unequally matched, and that he would not meet with due support from the noble lord and his other friends upon that committee! When the hon. member spoke of prosecuting Oliver, did he mean that the prosecution should be undertaken by private individuals, and that government, the public prosecutor in all other cases, should defend instead of accuse? Some members of the committee it seemed entertained a good opinion of Oliver; they thought that he was not wicked enough for a spy—that he was a bungler in his business—that he had not "snatched that grace beyond the reach of art," which accomplished villains had attained: but he who was so well able to deceive his enemies, might perhaps have imposed upon his friends. Recollecting the thinness of the House at the time the hon. member for Ilchester made his important statement, and observing the crowded state of the benches now, he put it to gentlemen, whether they could reconcile to themselves the refusal of an investigation without having heard the facts on which the demand for inquiry was rested and justified? Would they venture to risk the impression that might be made by the rejection of this motion upon the public and their constituents? He would not now occupy more of the time of the House: but if the proposition of that night were negatived by a majority, which he shrewdly suspected, he hoped that the hon. member for Bramber (and no man could do it with more weight) on an early day would come forward with a motion consistent with his speech, to inquire into the recent encouragement of spies, whose employment was destructive of the happiness, morality and religion of the community.

Mr. *Canning* rose, but sir Samuel Romilly called upon the solicitor-general to explain the supposed misrepresentation: Mr. Canning, however, persevered.—If he had recognised, he said, in the hon. and learned gentleman a right to regulate the order of debate, he should not have persisted in claiming the attention of the House before the explanation, so extraordinarily called for, had been given [Hear, hear!]: he used the term, "so extraordinarily called for," not with reference to the hon. and learned member's speech, but to the colloquial and irregular mode in which he had demanded a reply. The hon. and learned gentleman's practice, both here and elsewhere, might have taught him, that there might be two reasons for not giving an explanation—the one, where what had been stated was so clear as to make explanation unnecessary; the other, where a statement had been—he would not say so wilfully, but certainly so grossly misrepresented, that it might safely be left to the audience to do the speaker justice.

He agreed, that it was most expedient to recall the attention of the House, both to the state of the question, and to the question itself, as there might be those present who, not having enjoyed the benefit of hearing the statement of the hon. member opposite (Mr. Bennet), or of listening to the question from the chair, would be left, by all that had passed very recently in the debate, in total ignorance of the point under discussion. From the speech of the hon. and learned gentleman who last addressed the House, they would be led to conclude that the proposition was, that an inquiry should be instituted, not only into the alleged, but the proved misconduct of spies employed by government. The hon. and learned gentleman had not even stopped here; for, whether distrusting the facts detailed by his hon. friend behind him, or the force of his own reasoning upon them, or invited by a hoped-for, attempted, but unachieved triumph over his hon. and learned friend (the solicitor-general), he had thought fit to put in a plea in bar, and to call upon the House to consider whether it *dared* to put a negative upon a question before it. Happily the time for that topic was not arrived: to whatever millennium some persons might look forward when parliament should be overawed and intimidated from without, that time was not yet come: the House and the country, thank God! were not yet ripe for the discussion of a topic, launched heretofore from the tribune of Robespierre. Hon. gentlemen opposite might smile; they might thus attempt to give him the only answer he could receive; but he hoped, before he sat down, to show beyond contradiction, that he was not the single person, that the members of the government were not the only set of men, nor the majority of the House the only body, monopolizing the sentiment, that not long since there was in this country a real tendency to revolution. He flattered himself that the House was not to be intimidated, in any sense that the word "dare" might convey, whether of force from without, or of argument from within, from looking the question fairly in the face, and deciding it upon its merits. The members of the British parliament had neither lost their reason nor their coolness, but would proceed in the path of their duty, unbiassed by clamour, and unawed by menaces. All this was surplusage; but the introduction of the topic into the debate called for this reply. If gentlemen on the other side, either by their organized shouts or their unorganized speeches, by their exaggerations and misstatements, expected to interrupt the quiet march of just argument and solid reasoning, they would be as grievously mistaken as the hon. and learned gentleman had been when he hoped to repress or extinguish the growing ability and power of the hon. and learned member who preceded him in debate [Hear, hear!]. All this, however (as he had said), was but surplusage to the real matter in discussion—the motion of the hon. member for Lincoln.

He knew not whether that motion had been framed by the hon. gentleman himself, or whether he had been assisted by others. If he had framed it himself, he had been imprudent not to consult his friends: if he had taken the advice of others, and this motion was the result, God help him with, and deliver him from, such friends! Personally, he entertained for the hon. gentleman the highest respect, and he was happy to see him gradually rising to that station in the House to which his talents entitled him: but he must speak of his motion as it appeared to him. If the hon. member had acted by himself, he alone was responsible for its absurdity; but if he had taken the opinions of those around him, never was unlucky individual so deceived, betrayed, and deserted! If he had not acted alone, at least he now stood in melancholy solitude; for not one speech had been delivered, not one argument had been offered, under pretence of supporting the motion, which, properly viewed, must not have the effect of chasing it from the table. The motion was not, as some supposed, that a committee should be appointed to inquire into facts—it was not that a prosecution should be instituted against those who had sinned against morality and religion;—but merely that the committee of secrecy should be directed to inquire, whether any, and what, proceedings had been instituted to bring to justice those persons whose conduct the committee had censured in a former report. And who were those persons? The hon. mover had interrupted one speaker, to state, that he did not refer to Oliver and the trials at Derby, but to Castles and the trials in London. Yet his friends, if such they might be called, had all directed their attacks against Oliver, while the hon. gentleman protested that he meant Castles. Yet that was impossible: Castles could not be alluded to in the second report, because the trials in London were at an end before the second report was made: the shouts on the enlargement of Mr. Thistlewood were heard under the very windows of the room where the committee, which was framing the second report, was sitting. What, then, could this report have to do with Castles and his associates? His functions were finished, and it was notorious that the report related only to Oliver. This was a plain and convincing proof that the motion meant nothing, if it did not apply to Oliver. It might, however, be said, that it was intended to have a retrospective as well as a prospective application. But how would its condition be at all improved by the assertion? Castles was a man taken with other persons supposed to be guilty of high treason, and admitted an evidence against them. And was a motion made for an inquiry by a committee of the House of Commons into what had been done against a king's evidence — what steps had been taken to prosecute him? Did any man upon earth ever hear of such a motion? Was it not the notorious practice of all courts of justice to admit accomplices as witnesses? And why, in this sanctioned, hallowed, and dignified crime of treason, was a different rule to prevail to that which governed the vulgar offences of murder or robbery? But why had the name of Castles been thrust in at all? The reason was obvious — because the learned solicitor-general having given a complete answer to the case of Oliver, the hon. mover in his distress, had resorted to the subterfuge of applying his proposition to Castles [Cries of No, no!]. To whom, then, did it apply; or had it indeed no application at all? If Castles was not the man, as he clearly was not, would the other side revert to Oliver? [" Oliver & Co." from the opposition benches]. Then be it Oliver & Co. [Hear, and a laugh]. They should have it either, or both ways.

The motion, then, before the House was, not for the purpose of directing the committee to inquire what ought to be done; — but it was for the purpose of directing them to inquire what had been done, — though his majesty's ministers had stated that nothing had been done [Hear! and a laugh]. That nothing had been done might be blameable; that nothing had been done might be a ground for impeachment; if so, — *habetis confitentem reum;* — let the impeachment be brought forward, and it would be fairly met; but, in the name of common sense—in the name of consistency—let not the House direct a committee to inquire whether any proceedings had been instituted in a case in which it was notorious that there could be none —the case of a man who had turned evidence for the purpose of saving himself; or in a case in which it was avowed that nothing had been done, and in which therefore if you only want the fact for a ground of an accusation, it is furnished to you by free and voluntary admission.

To such a proposition it was an insult to the understanding of the House to call upon it to give its assent. The present was the first instance that he recollected of a motion, the success of which would be equally inconvenient to its supporters and opponents. What would the other side gain by its adoption? They said that the inquiry was of vital importance—that the peace of society was at stake—that the morals of mankind were invaded, and religion outraged. It might be so. It was impossible to tell what transcendental interests might be involved in the issue of the question of this evening: but granting all the importance of the proposed inquiry, to what body would wise men confide such an inquiry, and to what body did the other side of the House propose to confide it?—To those whom they had uniformly represented as utterly incompetent to the functions already delegated to them—who, in their opinion, possessed neither common talents nor common honesty—to a committee consisting of the friends of ministers, who were themselves culprits—of ministers themselves, who were to be their own judges; of persons, in short, who were assembled merely for the purpose of cheating and deluding the nation [Continued cheers]. He thanked the hon. gentlemen on the other side for their applauses, since he collected from them that he was correctly expressing their sentiments. This, then, was the committee to which it was now proposed to intrust these mighty matters—men, whose labours were injurious rather than beneficial, and whose report would be a tissue of false facts and erroneous opinions. An inquiry on which morality, religion, happiness, tranquillity, and all sorts of blessings depended, was to be placed in the hands of this proscribed committee: utterly incompetent to discharge the functions already assigned to them, they were to be burthened with fresh tasks, and matters of still greater solemnity. And supposing that this expected report, like that relating to Oliver, should be unsatisfactory to them—as it most likely would be — the consolation of the hon. gentlemen opposite was to be that they might still tell their constituents, that they had put this stupendous subject in the best possible train of investigation, and that it was not their fault if the issue did not bring to light all they hoped to discover [Hear, hear!].

It was a waste of time to say more on such a subject. If the hon. gentlemen were ripe for assuming the character of accusers, why not bring forward some motion of a more daring and original cast? Most assuredly this would not be difficult; for the present motion was, in truth, a humble and servile following up of that vote of the House which had been so loudly denounced—the vote which constituted the committee of secrecy; it showed the most implicit and abject deference to persons who had been declared unworthy; it went to intrust the highest matters to those who would betray; to commit inquiry to those who were the instruments of delusion, and elucidation to professors in obscurity. Surely the ingenuous mind of the hon. mover, when made sensible of the absurdity into which he had been led, would be the first to laugh at the awkwardness of his own predicament; he would discover before the end of the debate, on comparing his motion with the speeches of his friends, that, instead of appearing in his own true colours, as an independent and enlightened man, he had been put forward, not indeed as an Oliver, but as the paw of a certain humble domestic animal, for the purpose of feeling the pulse of the House preparatorily to some more effectual and decisive attack.

Turning, then, from the hon. mover's proposition, which was the small end of the wedge, he would now advert to those who followed him, and whose projects of more vigorous hostility the present motion was calculated to introduce. Of the noble lord (Milton) who spoke early in the debate, he meant not to utter one disrespectful word; yet it was with the utmost surprise he heard the statement he had made. To the committee the noble lord professed to impute no sinister motive;—yet he (Mr. Canning) did conceive that some such had been faintly adumbrated rather than described. It had been alleged, that, last year, alarm had been not only propagated through the country, but industriously exaggerated by the agents of government; that ministers had procured the suspension of the Habeas Corpus for purposes of their own, by exhibiting the country in a state of danger and disaffection. But it could be satisfactorily shown, that government, instead of out-stripping the informations they had received, rather lagged behind them. It was clear, that governments could not go on if they refused to receive information of plots formed against the security of the state. It was equally clear that they must build their belief and shape their conduct, on such information as they receive. He agreed that that information was the best which came under the sanction of established authority, or from an unsuspected channel; and if the noble lord or his friends could prove that ministers had, by option and preference, accepted the communications of obscure agents, in lieu of regular reports from established authorities, then they would make a real case against them. But this had not happened. He presumed that none would differ from him in thinking, that of all the sources of information, local information was best entitled to credit. He should be glad to know, then, what accusation that government would be liable to, who should receive information of the following description, and yet should obstinately refuse to give credit to it. Suppose a justice of the peace should, in the month of December 1817, have written to the secretary of state to this effect:—"I cannot conclude without calling to your recollection, that all this (the tumultuous assembling, rioting, and so forth) is *not* the consequence of distress, want of employment, scarcity, or dearness of provision, but is the offspring of a revolutionary spirit; and nothing short of a complete change in the established institutions of the country is in contemplation of their leaders and agitators." If this information had come from some petty authority of an obscure district — had it come, as Johnson expressed it, from "the wisest justice on the banks of Trent," from one who had heard only of changes and revolutions by report, while he himself sat securely beneath his own fig-tree and his vine, if the country produced any such—would government, even in such a case, be warranted in passing it over? But coming as it did from agitated districts, and not only from a justice, but from a master of justices, from the lord lieutenant of the West Riding of York, could government refuse it credit? would they not deserve impeachment if they had done so? Nothing was more common than, when threatened danger was once past, to look back upon it with contempt. When the alarm was once over, fear subsides, and cavil and distrust return with the means of safety. He challenged the historical knowledge of the gentlemen opposite—he challenged the learned research of the hon. and learned gentleman who spoke last, and the more discursive reading of the right hon. gentleman whom they were to have the pleasure of hearing as soon as he (Mr. C.) should sit down (Mr. Tierney)—he challenged them to produce one single instance of a conspiracy not successful, where, when the danger was over, doubts had not been entertained of its existence. When he had made this challenge, he barred all disputed successions to the Crown. He alluded to internal conspiracies conducted by obscure individuals; obscure, he meant, in comparison of princes, statesmen, and peers. He knew that it would be said that earl Fitzwilliam, the lord lieutenant of the West Riding of Yorkshire, had since retracted his opinion; but at the time when it was delivered, the government were bound to take immediate measures upon it. Such measures had been taken, and had received the approbation of the House. To be sure it was the approbation of a majority, and it might have been wiser originally to have settled that a minority should carry the point. But that was a prejudice—a mere arithmetical prejudice, he would allow—which we had inherited from our forefathers, and by which it therefore would be perhaps better at present to abide [A laugh!].

The measures which had been adopted with reference to the documents received, were such as were judged necessary to meet a partial, indeed, but a spreading contagion; and if government were blameable, it was in acting rather below than beyond the necessity of the time. It was not just to say, as had been stated by an hon. gentleman whom he did not then see in his place, as well as by other gentlemen, though in different words, that the government had been employed in drawing up an indictment against the people of England. The people of England, they believed to be sound in their allegiance, and relied on their spirit and their good sense. This appeared evidently from the sentiments expressed in the Speech from the throne; wherein the great body of the people were warmly and justly represented as sober, loyal, attached to the constitution, and ready to uphold it by any necessary sacrifices. But as disaffection did exist, it was right to probe the extent of the danger; and, in the imperfection of human means to dive into human actions, it was necessary to avail themselves of such means as were within their reach to ascertain the designs of the disaffected. According to the doctrine of gentlemen opposite, a simple traitor was a person entitled to much forbearance, and perhaps respect; but if once he repented of his treason,—if once he turned his back on his fellow traitors, he became altogether execrable. No individual, having the feelings of humanity, or the principles of moral correctness, could set a man on to seduce persons into courses of sedition.

But what else could government do to detect conspiracies, than receive information from whatever characters were able to give it? Were they to make it a rule to accept no intelligence but from persons of the purest virtue? From the husband of one wife, the truest of friends, the most independent of men, who was not even bound by the duties of a profession, but could give all his time to the detection of conspiracies for the good of his country? In this degenerate age so faultless a monster could hardly be found. And if conspiracies were to have head until such a character should detect them, the poor country would not be far from that refined state in which the bloody philosophers of the eighteenth century had wished to place her [Hear, hear!].

If the hon. gentlemen on the other side were those who had occasion to employ spies, and they were informed that the Bank or the Tower were about to be attacked, they would of course laugh at the intimation; but if their informant stated that he could bring proofs of what he said, their first question would be, "Have you a family?" If their informant answered, "I have six children;" the next question would be, "How many wives have you?" To this, perhaps, he might answer, "Gentlemen, I am not certain as to their number; my first poor woman eloped from me, and not having inquired after her, I married another, and I really cannot tell whether the former is living or dead." No doubt, if such were the answer, the moral feeling of the gentlemen would dictate this remark: "Be off, you infamous scoundrel; how dare you, a bigamist, presume to give information as to any treasons or plots. You are not worthy of becoming an informer." [A laugh.] Such gentlemen might do a great deal for the cause of morality, but they could never be entrusted with the care of a nation. Their plan might be the best barrier possible against polygamy; but it would do little to save the state. He agreed that government should not act on the information given by an indifferent character, unless it was corroborated. But, was information to be received or rejected on the score of character merely? Was it necessary that a man should never have been in drink, or in debt, or in love, in order that his intelligence should be received, investigated, and acted upon, if found to be correct?

With respect to Castles, he observed, that he was quite out of the reach of any inquiry which might be made, he having only become an evidence to save his own life. With regard to Oliver, government having received voluntary information from him had found it necessary to employ him afterwards, for the purpose of discovering the intentions of the conspirators, for which object he was obliged to become one of their society. Government would not have had recourse to such means if any other could be employed by which the necessary information might be procured. Oliver had not in any degree fomented those disturbances he merely gave information of what he saw and heard in the committees of the conspirators. It was the measures which the House after deliberation had taken that had prevented all the mischief which might otherwise have ensued from a too blind security. The motion must be defeated from its very essence, if it was what its object professed to be, namely, the punishment of Oliver. What grounds were there for such punishment, except those which were attempted to be founded upon the authority of the report of the secret committee? That report assigned no crime whatever. If the report had said, that the conduct of Oliver had had the effect of occasioning the insurrection, still it would be no crime, for the effect might have followed without any criminal intention. It imputed no crime to Oliver for which he was amenable to the laws. But in the performance of that odious and disgusting duty which he had undertaken for the safety of the country, it was certainly possible that, not his words and representations, but his very existence amongst the disaffected, might have operated to a certain degree as encouragement. The accession of a single new face was an accession of strength, and therefore tended to encourage. Neither could it be expected that a man who ventured amongst conspirators in disguise, should not be obliged to tell them falsehoods to support his character. If ministers had their option to detect conspiracies by unexceptionable means, or by the employment of betrayers, they would not hesitate to prefer the first. But the question was, whether they would employ the only means which offered themselves, or suffer the state to go to wreck. He had, however, to state, that not one single individual had for one hour been deprived of his liberty on the testimony of Oliver. Oliver's testimony led to the obtaining other testimony less exceptionable than his own, and with respect to which he had acted only as an index. There had been a question much agitated, why Oliver had not been called as a witness on the trials at Derby, some saying that the one party should have called him, and some the other. It had been replied for the prisoners, that they could not have produced him, for that would have been to admit the guilt with which they were charged. But could they not have called him, and disclosed the whole truth, when they were brought up for judgment? As to the trials at Derby, they did not indeed prove that extraordinary measures had been necessary; but they proved that the general statement on which those measures were founded, was correct.

On the whole, he thought that the House could have no hesitation in disposing of the motien of the hon. gentleman. If his object was the condemnation of ministers, he had a shorter method, as it had been avowed that as to the adoption of which inquiry was proposed to be made, the measures had not been adopted. Let him make that his ground of impeachment. If he only wished to punish Oliver, the authority to which his motion referred—the report of the secret committee—assigned no crime whatever to that individual. The hon. gentlemen professed to build their proceedings upon the report. Let them take it, then, for what it was worth—but in its own sense and meaning. How often had it been said, in the warmth of debate, that the effect of language made use of in that House would be to make the people disaffected; but did that cast any imputation of evil design on the person who made use of such language? All that it went to impute was the effect and not the intention; and in like manner, all that the report brought home to Oliver in the present instance was, an unintentional effect, not a deliberate and criminal design.—He thought, therefore, that there was no occasion to push the House to a division on a motion which, if carried, must disappoint the object for which it appeared to be framed, leading to no useful information, and tending to no practicable end.—The right honourable gentleman sat down amidst the loud cheering of the House, which lasted for a considerable time.

Sir *S. Romilly* was sure the House would excuse him for saying one word strictly in explanation. He might, indeed, be satisfied with saying, that some misrepresentations were so gross as to require no refutation; but as several members, who had come in while the right hon. gentleman was speaking, might really give credit to the expressions he had ascribed to him, he felt it incumbent upon him to correct the misrepresentation. He never did say—the House must be aware that he never did say—he was astonished how the right hon. gentleman could have understood him to have said—that the House would not dare to reject the motion. He had used the word dare, but it was in this way: An hon. gentleman, in opposing the motion, had said, that the House would not dare, for the sake of their consistency and character, to contradict their own former acts by agreeing to this motion. In allusion to this expression, and as a general election was soon expected, he had said that he could not conceive how gentlemen could resist this motion, and dare to meet their constituents. Sir Samuel concluded with observing, that the right hon. gentleman did not appear to be aware of the difference between spies and informers, because, though it might be right to attend to the latter, it might be utterly unjustifiable to employ the former.

Mr. *Tierney* observed, that among the advantages which the right hon. gentleman had over him was this, that he had had full two hours' start of him. Of this, however, he would not complain, nor of the length of his speech, although three quarters of it consisted of epigrams, spangles, and fantastical embroidery. He would pass over the right hon. gentleman's allusion to the Millenium, to Robespierre, and the organized shouts; but he could not overlook the right hon. gentleman's angry remark upon the words of his learned friend, that the House dare not do so and so, without adverting to the language of the right hon. gentleman's threat upon a former occasion, that if the House acted in the manner which he then deprecated, an appeal would be made to the people. He meant in 1807, when the right hon. gentleman menaced the House with dissolution if it opposed his opinion, and when his words were ordered to be taken down.* The right hon. gentleman had said, that he would chase away the motion before the House, which he thought proper to characterize as quite preposterous; but if the right hon. gentleman had not succeeded in his effort, he would call upon the clerk to read it. Now, what was the motion? Why simply this, to refer a reference to the Secret Committee, which would ascertain whether that Committee was good for any thing? This, indeed, he and his friends were willing to try; and it was strange that the right hon. gentleman should object to the experiment. The right hon. gentleman had asked, what would gentlemen have, but the fact, that no proceedings had taken place? He would, however, answer, that it was his wish to have that fact formally avowed as a ground for farther measures. But it seems, according to the right hon. gentleman, that nothing had been done by government against the fomenters of disturbance alluded to in the Report of the Committee, because, as he said, nothing could be done. But it appeared extraordinary to his mind, that it would be impossible to maintain an indictment against a man, who being employed for a good purpose, had, on the contrary, directed his exertions to a bad purpose. But he now understood why no proceedings were taken against Oliver; for he apprehended that that person's retort upon his employers was such as they could not conveniently withstand. The government, he was persuaded, durst not touch a hair of Oliver's head. Oliver was not, however, he supposed, the only person alluded to in the report of the Secret Committee of the last session, or such strong vouchers would not that night have been adduced to his morality. The right hon. gentleman had stated, that if ministers could find a moral man to become an informer, they would not of course resort to men of such infamous character as had been deprecated in the course of the debate: but it would seem, from the testimony of some gentlemen on the other side, that ministers had found precisely such a man in the person of Mr. Oliver. Such, however, was not the information received and communicated to the House by his hon. friend (Mr. Bennet), whose statement of that night was of such a nature, that it was impossible it should not become the subject of consideration before a distinct committee—that was, if the House regarded its own character, and desired to be regarded by the country, as in any degree solicitous for the cause of morality and freedom. Great praise was, in his opinion, due to his hon. friend, for his industry and infinite trouble in collecting the materials which he had communicated to the House. But his hon. friend was always on the alert in the cause of humanity. He had no hesitation in pronouncing his hon. friend one of the most humane, useful, and honourable members that had ever adorned the annals of parliament. For without ever resorting to any expedient to entrap popularity, his hon. friend was always active in the cause of benevolence. With the spirit of the philanthropic Howard, he entered into the dungeon of the prisoner, the cell of the maniac, and the asylum of the destitute; and sought, by every means in his power, to diminish the sum of human suffering [loud cries of Hear, hear!]. It was in perfect consistency with his character, that his hon. friend had been induced to make inquiries into the proceedings of Oliver; and after the statement which they had enabled him that night to submit to the House, it was clear that the whole matter must undergo investigation.—Against the interesting statement of his hon. friend, the right hon. gentleman had not, amidst all his gay and gaudy eloquence, ventured to say one word. And here he must pause for a moment to declare, that he had that night heard the hon. and learned solicitor-general with infinite pain. He was himself, perhaps, the very first man who had noticed the rising talents of the hon. and learned gentleman, and had foretold, on an occasion which he could not have forgotten, that he would one day make a figure in public life. He had subsequently inquired of a lamented and common friend, the late Mr. Horner, what was his character, not only as a lawyer but as a man; and the information which he received, made it a melancholy spectacle to him to see him treading in his present, might he not say, bad courses. If, as he might presume, it was the paucity of legal talents which the minister found he could enlist in his service that had raised the hon. and learned gentleman to his present eminence, and had enabled him to make such an extraordinary stride, the same reason might cause him to be elevated to the bench. Was it not then alarming to find the lawyer, who might hereafter be a judge, holding in that House the monstrous doctrine, that an individual, who had been accused, was thereby disqualified from being a witness? Look at the case of Mitchell. Mitchell was discharged, instead of being prosecuted; and were they to be told by a solicitor-general, that because he had been arrested on the suspicion of some person, his testimony was not to be believed? Was he to be debarred the right of proving his innocence? This was strange doctrine at all times; but what epithet did it deserve, proceeding from those very persons, who denied to these accused men that trial by which they could prove their innocence [Hear, hear!]. He defied them, even in the annals of Turkey, or of those of old France, pregnant as it was with these oppressions, which led to the bloody revolution that convulsed the world, to produce any thing more monstrous than this. But mark the turn which the gentlemen opposite take between the case of this night, and that which was brought before the House yesterday. You must not, said the noble lord (Castlereagh) last night, listen to the charge against the law officers of Scotland, because it proceeds from a polluted source. What was the pollution there? It was, that the unfortunate man Campbell refused to forswear himself. If you do not take that little step which we want, namely, commit an act, which is nothing less than perjury, any other statement you may make, must be discredited, because it proceeds from a polluted source! But there were other witnesses to his hon. friend's statement besides Mitchell, as he himself assured the House. Then came cries of "Name, name!" In the candour of his hon. friend's nature, he was about to name, but his cooler judgment arrested him, because he knew that some one would immediately go to rake up some charge of pollution against these witnesses also. The House must not disguise from themselves that it was impossible, after that statement, to get rid of it without a full investigation; it must be set at rest. There was a load of guilt, which would be affixed to the highest quarters, unless it was placed upon the shoulders of the real criminal.—In one part of the right hon. gentleman's speech, by much the most solemn as well as the most dull, he had endeavoured to answer the observations of a noble friend behind him (lord Milton), professing that here he meant to deal in nothing but argument. He had, however, soon found it necessary to resort to a little stage effect, and had produced a paper from the bag [No, from Mr. Canning]. Then why was it not in the bag if it contained important information? [Mr. Canning said something across the table.] It would appear, then, that it had been taken from old bags, [a laugh] and was, in point of fact, a letter of earl Fitzwilliam, dated December, 1816. It contained the judgment which at that time the noble earl's intelligent mind, had formed, and which his candour induced him to communicate to his majesty's ministers, respecting the internal state of the country. His impression then was, that very serious agitations were in existence, and that there was ground for entertaining considerable alarm. What, said the right hon. gentleman, and will you contend after this, that strong measures were not necessary? But let it be recollected, that these strong measure were not proposed till the February following, nor till an unfortunate pebble was thrown in the park [Murmurs from the ministerial benches]. He had a right to assume so, as no mention of their necessity was made in the speech from the throne. Now he wished the House to advert a little to the practice of this dealing, on the part of his majesty's ministers, with papers to which nobody but themselves had access. Let it be supposed that the very production of this letter was of all their attempts at delusion, the grossest and most palpable. [Hear, hear! from lord Milton]. What, if there had been subsequent letters from earl Fitzwilliam? [Hear, hear!]. If such letters had been received, was not the right hon. gentleman, when he read the one, bound in fairness to read the other? When he read the previous, ought he not to have communicated the subsequent? It was impossible that he should not know of their existence, for he presumed his colleagues were at length disposed to trust him [a laugh, and cries of hear!]. Indeed, the right hon. gentleman himself felt that he ought to have done so, from his endeavour to explain the motives of earl Fitzwilliam's subsequent change. "It is easy," said he, "to change one's opinion when the danger is over." Here again the facts contradicted the right hon. gentleman's assertion. It was not when the danger was over, but when ministers themselves declared it to be raging, that earl Fitzwilliam communicated his change of opinion. It was at the time that he was sent down to Yorkshire as lord lieutenant, to examine into the alleged outrages on the spot—when ministers were hurrying the Suspension bill through parliament, that such a change was expressed. Was that subsequent letter in the present bag? He could not say, as they took special care to exclude him. But this he begged to tell them, that if it was not in the present bag, the ministers of the Crown were wilfully deceiving the country, and the report of their committee would be another attempt at delusion. But the right hon. gentleman affected to feel sore at the insinuation of the government wishing to take advantage of alarm. He, for his part, believed it was their aim to excite it. The firm belief of his mind was, that ministers did wish and intend to excite alarm: and his reason for so believing was, that instead of giving the evidence on both sides, they had submitted only a mutilated account of what information was before themselves to the committee. He believed moreover, that these poor innocent and unsuspecting ministers, whose utter simplicity was so well pourtrayed by the right hon. gentleman, according to whose representation they had no political object in view, but acted altogether from the impulse of kindred sympathy, would have continued the alarm, if it had been found possible to do so. As he had already once observed, alarm was their daily bread; and, if they could have succeeded this time in dividing the opposition, he doubted not that the continuance of th Suspension act would have been proposed. Such would one day, when dispassionately viewed and examined upon its true merits, appear to be the conduct and character of the present government. However firm and durable at present, it would soon crumble into nothing. The lord advocate had last night made it a matter of boast, that no man had been arrested in Scotland, without being brought to trial in the regular course of law. This, then, satisfactorily showed, that the Suspension act was not required in Scotland. Every man had not the frankness of the hon. member for Hertfordshire, although he might have a similar conviction, and could not persuade himself to make a voluntary and immediate confession that he had been deceived. But tens and hundreds in that House would, in no long space of time, admit, that the disaffection which had been proved to exist, fell far short of what they dreaded when they gave their consent to the Suspension act. He did not himself deny the existence of a disaffected spirit to a certain extent; but he considered it as springing from a distress which he hoped was now removed, and that it had been inflamed by the acts of the agents employed by government. Not one man among the disaffected was of a higher rank in society than that of a weaver, and the far greater part of them were paupers, excepting always the moral Mr. Oliver and Co. If there had been evil machinations before Oliver arrived, it was clear to his mind, that his arrival caused them to terminate in an explosion. If he had not excited the disaffection, he had turned it into the only course in which it was likely to prove mischievous. Strange, that agents of this description should be employed by a government which boasted of its preventive policy? The attorney-general had asked, what could be thought of Brandreth, a man who had fought his way through murder to treason? He agreed that Brandreth was better out of society than in it; but the question now was, whether the explosion in Derbyshire was not the work of Oliver; for if it was, Oliver was guilty of the murder which the hand of Brandreth committed. On the question of treason he would say nothing, for he thought that was a matter of doubt. Why did the vigilance of the magistrates sleep on the 9th of June, when Brandreth might have been arrested? The worst that could, in that case have happened would be, that four more persons would have probably been alive, than were now living. For his own part, he could easily conceive what an impression must be made upon a discontented populace in the country, on being informed, by a person calling himself a London delegate, that 70,000 men were prepared to rise and join them in establishing their rights. But even these arts, calculated as they were to inflame and mislead, had gone no farther than to cause an insurrection of a hundred men here and a hundred there, armed with a few pitchforks, and about twenty muskets. Was this a sufficient ground for depriving the people of England of their liberties? His persuasion was, that there had existed no necessity for vesting such formidable power in the government, and that they had been exercised in many places, more particularly at a distance from the metropolis, with harsh and needless severity. Did the House believe, that by the vote of a majority that night this question would be set at rest? He wished to speak in measured terms; but he must warn the House not to trespass too far on the temper and patience of the people. They would not bear to have their liberties scouted at in the tone of the right hon. gentleman [Hear, hear!]. Every unhappy victim of the Suspension act would have to relate in his little circle the tale of his sufferings, his innocence, and his wrongs; and would have to close all by adding, that a majority of the House of Commons refused to listen to him, or inquire into the truth of his story, because the minister declared that it was better as it was. If his majesty's ministers refused to face the inquiry, the universal impression would be, that they dared not face it. The right hon. gentleman might shake his head, but he would advise him and the noble lord to beware how their conduct provoked future and more serious disturbances. The statement of his hon. friend, until met by a full and intelligible investigation, must remain a deep stain upon the history of this country. A majority might appear a very triumphant thing, but it did not always excite very triumphant or satisfactory feelings; and he was persuaded that there was not one of that night's majority, who would not say to himself as he went home, "the ministers certainly made but a poor figure." As for the learned lord, he perhaps consoled himself by the reflection, that like the charge against M'Kinley, it was "not proved," and that he was the more innocent of the two [A laugh]. The noble lord (Castlereagh), indeed, well knew the difference between a real triumph, and the act of a majority, which might not choose to desert him in the hour of his distress. But he could assure him that the question would be revived; that an inquiry, though now refused, was only postponed; and that the result must exhibit what was the real nature of his triumph.

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* See Vol. 9, p. 346.

Mr. *Canning* said, that with respect to the letter of earl Fitzwilliam, he would appeal to the recollection of the House whether, in the debates last session on the second suspension of the Habeas Corpus act, one of the strongest arguments against that suspension was not the change of opinion in earl Fitzwilliam.

Mr. *Tierney* said, the fact was, that one letter had been received which was thought convenient to be communicated, and another had been received subsequently which was kept back, as it was thought not convenient to communicate it.

Mr. *Canning* disavowed any the slightest intention of wilfully keeping back any thing that might tend to throw any light on the state of the country.

Lord *Milton* trusted that, from the *argumentum ad hominem*, or rather the *argumentum ad filium* of the right hon. gentleman, he should be allowed to say a few words. It was really his opinion that one letter had been produced, while another had been withheld. The right hon. gentleman had stated, that the danger being over, earl Fitzwilliam had been glad to get back to those whom before he had felt himself bound to abandon, or something to that effect; but that was by no means the real statement of earl Fitzwilliam's change of opinion. He had moved for a paper in the committee, which did not appear to be forthcoming. There had certainly been another letter which had not been produced, and in the letter which had been brought forward, there had been enclosed a document which was not now found in it, and on which his change of opinion had been considerably founded. He was a member of the Secret Committee, and as such he felt that it would not be becoming in him to disclose any of the information laid before it. But he thought he owed a duty to that House, to state to them the conduct of the government in one particular. Many letters had been laid before the committee from lords-lieutenant of different counties, but there were no letters from the lords lieutenant of the West Riding of Yorkshire. He did not know what the reason of that could be, but he trusted that the letter to which he had alluded, as well as the other document, would be laid before the House, for them to form their own judgment thereon, without any communication.

Lord *Castlereagh* thought, that the situation of the noble lord, as a member of the Secret Committee, ought to have precluded him from making a most odious, and in his opinion, a most unfair statement. It was a thing that he could not help complaining of. The noble lord had given notice in the committee of a motion, for the production of a paper, on which he (lord C.) had stated, that he did not suppose there would be any difficulty in granting the production of any papers; but he thought it proper, as he did not belong to the department from which that paper was to be received, that the question should be reserved for a future day. The noble lord, therefore, had given a very unfair colouring to the circumstances relative to that letter. As to the general question before the House, after the very able and unanswerable speeches which had been made from his side of the House, it would be unnecessary for him to trouble the House with any argument upon it. He should therefore content himself with protesting against the system of general inquiry, which seemed now to be proposed from the other side of the House.

After a short reply from Mr. Fazakerley, the House divided: Ayes, 52; Noes, 111.

List of the Minority.

Abercromby, hon. J.
Althorp, visct.
Atherley, Arthur
Birch, Jos.
Brougham, Henry
Burdett, sir F.
Burrell, hon. P. D.
Byng, Geo.
Calcraft, J.
Calvert, Chas.
Carter, John
Duncannon, visct.
Douglas, hon. F. S.
Fergusson, sir R. C.
Fitzroy, lord J.
Folkestone, visct.
Gordon, Rob.
Grant, J. P.
Hamilton, lord A.
Heron, sir Robt.
Hurst, Rob.
Lemon, sir W.
Latouche, Rob. jun.
Lyttelton, hon. W. H.
Methuen, Paul
Macdonald, Jas.
Markham, adm.
Martin, John
Mildmay, sir H. St. J.
Milton, visct.
Monck, sir C.
Morpeth, visct.
Neville, hon. R.
Nugent, lord
Ord, Wm.
Ossulston, lord
Philips, George
Pym, F.
Ridley, sir M. W.
Romilly, sir S.
Smith, John
Smith, W.
Smyth, J. H.
Sharp, Richard
Symonds, T. P.
Tavistock, marquis
Tierney, right hon. G.
Waldegrave, hon. W.
Warre, J. A.
Webb, Edward
Wilkins, Walter
Wood, alderman

TELLERS

Bennet, hon. H. G.
Fazakerley, N.

HOUSE OF COMMONS.

Thursday, February 12.

COVENTRY RIBBON WEAVERS.] Mr. *P. Moore*, in presenting a Petition from the Ribbon Weavers of Coventry, took occasion to observe upon the merit and suffering of the petitioners, who, as the law stood at present, were precluded from making such arrangements among themselves as were necessary to ensure a due remuneration for their labour. Even when in full work, the earnings of these poor industrious men were known to be comparatively inadequate; but when trade was slack, they were so very distressed that they were under the necessity of applying for relief from the poor-rates. Thus the poor-rates of the inhabitants of Coventry were considerably augmented, for the maintenance of those, the profits of whose labour were enjoyed by others, who contributed nothing towards those poor-rates.—Under such circumstances, he trusted that no man of feeling or consideration would be found to oppose the objects which the petitioners had in view, and which were, first, to remedy the evil resulting from the existing law with respect to apprenticeships; and, secondly, to enable the petitioners to settle the rate of their wages among themselves.

Mr. *Dugdale* said, that from the circumstances which came to his knowledge as a magistrate of Warwickshire, with respect to the condition of the petitioners, he thought their case peculiarly entitled to the attention of the House. He could not at present express any opinion as to the nature of the remedy proposed by the petitioners; but he felt it his duty to vote for referring the petition to a committee, convinced that the subject was worthy of consideration.

The Petition was referred to a committee.

BANK TOKENS.] Mr. *Curwen* said, he thought it right to state to the House a circumstance which had just come to his knowledge, and which appeared to suggest the expediency, as well as the means of facilitating the transport of Bank Tokens to London. He understood that those tokens might be had in the country at one per cent under their nominal value. On these terms they were now buying up by speculators, with a view to obtain gold for them at the Bank, which gold could be exported at a profit. From this fact, it was obviously the interest of the Bank to appoint an agent in each of the principal towns in the country, with a view to collect these tokens, and also to save its gold, which was surely a consideration of some importance, at a period when it was proposed to extend the Bank Restriction act, in order to prevent the export of bullion. It was, besides, the duty of government as well as of the Bank, to adopt some measures to save the labourers and other poor holders of those tokens from the necessity of selling them at a loss, in consequence of their inability to convey them to London.

SURGERY PRACTICE REGULATION BILL.] Mr. *Courtenay* moved for leave to bring in bill for the better regulation of Surgery throughout the United Kingdom. The objects of the bill were, first, to provide that no one should be allowed to practise surgery without a testimonial from some of the regular colleges of the United Kingdom; secondly, that no more pecuniary fee should be demanded for such testimonial than had heretofore been usually paid; and, thirdly, that the laws should be repealed which precluded any surgeon from officiating in the hospitals and dispensaries of Ireland who had not obtained a testimonial from the college of surgeons in that country. Such being the provisions of a measure, the necessity for which, with a view to save the people from the danger of unskilful practitioners, was indisputable, he trusted that no opposition would be made to his motion.

Mr. *Lockhart* expressed an opinion, that if this bill originated with the surgeons, it must have a monopoly in view. The effect of it would be, to injure a profession which ought to have too much pride, to entertain any apprehension of the competition of pretenders.

The motion was agreed to.

EXCHEQUER BILLS.] The House having resolved itself into a Committee on the Exchequer Bills bill,

Mr. *Grenfell* said, that from some circumstances which had come to his knowledge, he felt it necessary to put a question to the chancellor of the exchequer. A report having prevailed last week in the city, that it was the intention of the right hon. gentleman to propose this session the funding of exchequer bills, and that what were called the twopenny halfpenny bills would be preferred, he understood that on Saturday last a communication was made to the Stock Exchange by the person who usually made known there the intentions of the Treasury, that it was not proposed, on funding exchequer bills, to grant a preference to any particular description of those bills, but to take those that were to be funded out of the general mass. Hence, an impression prevailed in the city, that it was the intention of the right hon. gentleman to fund a considerable number of exchequer bills. He did not wish for any information from the right hon. gentleman as to any part of his financial plan, which might not yet be matured; but, understanding that it was the intention of the right hon. gentleman, in all events, to fund a quantity of exchequer bills, he requested him to state whether such was the fact. Because, if such were the purpose of the right hon. gentleman, that purpose should have immediate publicity, in order to put an end to the uncertainty, and gambling speculations, which at present prevailed in the city.

The *Chancellor of the Exchequer* said, he had already notified to the House, that it was not his intention to bring forward any part of his financial plan before Easter; and he trusted it would not be thought improper on his part to decline any premature or partial disclosure of that plan. With regard to the communication to the Stock Exchange, the hon. member alluded, he presumed, to that made by the broker of the commissioners for redeeming the National Debt. The fact was, that, understanding a general expectation prevailed, that if exchequer bills were funded, a preference would be given to those bearing an interest of 2½*d.* a day, he gave directions to have it made known, that if any funding of exchequer bills should take place, no such preference was intended.

Alderman *Atkins* expressed a wish, that the right hon. gentleman would favour the House with somewhat more of explanation, in order to remove the uncertainty that prevailed. For his own part, he could not think it desirable to fund any exchequer bills, and so to diminish the floating capital of the country. For how could it be politic to take a measure which must operate to reduce the price of stock? Government could raise money at less than 3 per cent, in consequence of the present price of stock; whereas if that price fell eight or ten per cent, it could not have money under 4 per cent. Such a fall would, he apprehended, be the result of funding, at present, a great quantity of exchequer bills. Another report prevailed, that it was the intention of the right hon. gentleman to propose the raising of a loan for the purpose of buying up the 5 per cents, and this was a plan which he must also deprecate. But at all events, he thought that no danger could result from the right hon. gentleman's explaining what were his views upon the points alluded to.

The *Chancellor of the Exchequer* hoped the House would feel the propriety of his silence with regard to the financial plan to be submitted to its consideration, until that plan was fully matured—until, indeed, he was actually proposing to have it carried into effect.

Mr. *Grenfell* approved of the intention of the right hon. gentleman not to make any premature disclosure of his financial plan. His only object in putting a question to the right hon. gentleman was, to do away the impression in the city, that he had finally made up his mind as to the funding of exchequer bills.

The Bill went through the committee.

HOUSE OF COMMONS.

Friday, February 13.

PETITIONS FROM JOSEPH MITCHELL, THOMAS EVANS, WILLIAM OGDEN, JOHN STEWART, AND WILLIAM BENBOW, COMPLAINING OF THE OPERATION OF THE HABEAS CORPUS SUSPENSION ACT.] Mr. *Bennet* said, he held in his hand a Petition from one of those unfortunate men who had suffered so much severity and real cruelty under the Suspension act. It was from Joseph Mitchell, of Liverpool. He was in that situation which had been said to render men unworthy of credit. He had beyond all question suffered imprisonment without indictment or trial, but whether he was therefore unworthy of credit he would leave to others to determine. He most certainly believed the representations of harsh usage, unauthorized cruelty, and wanton treatment in the petition to be true. The facts were such as claimed the most serious attention of the House, and the prayer of the petition called upon them not to pass a bill of indemnity to screen ministers from the consequences of their abuse of the powers intrusted to them. Mr. Bennet having moved, that the petition be printed, the chancellor of the exchequer asked, if the hon. member could state that it was couched in respectful language? Mr. Bennet, said, that there might be a harsh expression, but the tenor of the petition was respectful.

The petition was then ordered to be printed. It set forth:

"That the Petitioner, whilst attending on his business as agent to several publishers, had, on the evening of the 2nd of March 1817, his lodgings in Manchester forcibly entered, his bed-room searched for his person and papers, and his portmanteau attempted to be opened by false keys and picklocks, by Joseph Nadin, deputy constable of Manchester, and two of his men called runners: that the petitioner being informed of this nocturnal visit by a person who happened to be in the house at the time, and heard the landlord threatened with the loss of his licence if he informed the petitioner thereof, the petitioner, having a wife and six young children to provide for, sought refuge in the house of a friend; that the petitioner was driven from this retreat by Nadin and his assistants, who forcibly entered his friend's house in the night, and searched the same; and in this manner was the petitioner driven from house to house, Nadin threatening he would have him locked up in prison if it cost him (Nadin) 500*l.*; thus was he pursued until the 9th of March, when he left Manchester to seek a resting place in the country, but being still pursued he fled to his disconsolate family in Liverpool; that the petitioner had not remained many days with his agonized family before he was informed that the police were about to search his house, and fearing that the shock occasioned by his being dragged from home in the dead of the night (that being the time generally chosen for tearing reformers from their beloved families) would be too great for an afflicted wife, and six young but affectionate children to bear, he therefore again sought an asylum in the country; that the petitioner, having returned in the vicinity of Manchester, was instantly informed that a number of persons had been apprehended at a public house in Manchester, charged with having conspired together for the purpose of destroying that town, many of which persons (if at all connected with such a plot) were believed to have been led and instigated thereto by spies and informers, who had gone about for the avowed purpose (as the petitioner was informed) of making Manchester, as they called it, a second Moscow; that the petitioner, finding this to be no resting place for him, proceeded into Yorkshire, where he was advised to proceed to London and state these facts, with the popular opinion thereon, to some men who were both able and willing if possible to trace these plots to their true source; that the petitioner whilst in London met with a person named Oliver, who professed to be a reformer, and who urged the petitioner to leave London with him, stating that the petitioner was in danger of being apprehended in London, and that he (Oliver) was in constant apprehension of being taken up, and that he had therefore determined to leave the country, and was then going to Liverpool to see a friend of his set sail for America, and also to prepare a passage for himself and family, that the petitioner left London in company with the said Oliver on the 24th of April, who on the road requested the petitioner to introduce him to a few steady reformers in any of the towns through which they passed where the petitioner had any acquaintance, which he accordingly did, in Birmingham, Wakefield, and Leeds, believing him to be a real reformer; that on the 4th of May the petitioner was seized by two ruffians, who took him by the collar as he was walking on the highway towards Huddersfield, and commanded him to return to some men who (these ruffians said) wanted him, which command the petitioner refused to comply with, asking them by what authority they stopped him on the king's highway? to which question they returning no answer, the petitioner attempted to proceed on his journey, when the ruffians, again seizing him by the collar, said, "We will let you see our authority;" that the petitioner was by them detained on the king's highway until five or six other men came up to them, who ordered him to go along with them; the petitioner then inquired by what authority they detained and ordered him to go along with them, when two of them said that they were special constables, and that the petitioner should know farther when he got to the place to which they intended to take him, adding, that, if the petitioner refused to go with them, they would compel him, bidding some of their fellows to drag him along; that the petitioner was therefore obliged to go with them to a public house, situated in a lonely place called Golker Hill, where he was taunted and otherwise abused through the whole of the evening; that when the petitioner retired to bed, a person was put into his room, who pretending to be a reformer, expressed much regret that it should have fallen to his lot to guard a person whom he could not but respect as a brother, and who exclaimed in bitter terms against those who were the cause of such unjust proceedings, adding, that not only a total change in 'Kings, 'Castlereaghs, and Commons,' must take place, but that 'all must be pulled down 'before any good would be done for the 'people,' which wretch the petitioner believes (as he then told him) was placed there for the purpose of leading the petitioner into some violent expression, and the petitioner was confirmed in this opinion, by hearing another person cough behind the door, on which the petitioner demanded that this vile fellow should leave the room: that the petitioner was next day taken before justice Haigh, of Huddersfield, who on one Brooks of Golker Hill stating that the petitioner was a reformer, and had attended public meetings, and that a reward was offered by government for his apprehension, ordered him to be remanded; on the petitioner remonstrating against being detained on so vague a charge, the worthy justice replied, 'He 'would take all responsibility upon him'self,' and delivered the petitioner into the care of a police officer named Whitehead; that the petitioner was conducted by Whitehead into a room in the George-Inn, Huddersfield, where he asked the petitioner if he would pay for a person to guard him, on which the petitioner replied that he had neither the power nor the will to pay money for any such purpose; then Whitehead bade the petitioner to follow him to a lodging which he said was much better than the petitioner deserved; that the petitioner was then put into a place called Towzer, the most damp and nauseous dungeon imaginable, having no fire in it, the floor of which was nearly covered with human excrements, the bedding beyond description filthy, and the whole place was fœtid to such a degree that the petitioner scarcely thought it possible to exist therein until the next day; that the petitioner remained in this nauseous place twenty-six hours, after which he was removed to a room where Oliver appeared as a prisoner in great agitation; the petitioner was shortly removed to another house, where he was ironed, then placed between two thief-takers in a chaise and conveyed to Manchester Police-office, and thence to the New Bayley prison; that the petitioner, when in the police-office, and also in the New Bayley, demanded to be informed for what he was detained, and by what authority he had been apprehended, but no answer was given to him until the 7th of May, when the petitioner was brought before a number of gentlemen in a room belonging to the New Bayley, where one of them appeared to preside; here Nadin, the deputy constable, deposed that he had seen a warrant, signed (he doubted not) by the secretary of state, authorizing the apprehension of Mr. Mitchell on a charge of high treason; that this warrant had been returned to the home office, because they had heard that the petitioner was gone to America; that the petitioner requested to know whether the gentleman who presided intended to keep him in custody on the mere deposition of Nadin? when he was informed that it was their intention to detain him until they heard farther from the home office; the petitioner then requested to withdraw to his cell and straw bed, which was granted, where he remained until about twelve o'clock on the night of the 8th of May, when he was ordered to prepare for London; during his confinement in the New Bayley, the petitioner was insulted with the felons allowance of food, and was told that Nadin had given orders that nothing else should be given to him; that the petitioner was then handcuffed, and so conducted to the police-office, thence to the coach, and was there very heavily ironed, which irons he bore all the way to London; being arrived there, the petitioner was taken to a public-house in Bow-street, and from thence before the secretary of state, who ordered him to be put into close confinement, until the 20th of May, when he was to be brought up for examination, as he understood; that the petitioner was then taken to Cold-bath-fields prison, and put into a room with another prisoner, where he became dangerously ill, through, as he supposes, the baneful effects of that pestilential place in which he was confined at Huddersfield: the petitioner wishes to state, that although he still feels the ill effects of that destructive place at Huddersfield, he considers his present state of health to be owing to the kind attentions of his fellow prisoner, the doctor, and the governor; that the petitioner was again taken before the secretary of state, who committed him to close confinement on suspicion of high treason; he was therefore remanded to Cold-bath-fields prison, where he remained in close and solitary confinement, except being visited by Oliver three successive days on or about the 21st, 22nd, and 23d of May, on each of which days the petitioner was fetched by a turnkey into a room in the governor's house, where his interviews with Oliver took place; that on the '30th of Dec. 1817, the petitioner was liberated, as he understood, without recognizance, until, on the 21st of January 1818, he was informed by the mayor of Liverpool, that he had received a letter from the home secretary, which stated, that in consequence of his lordship having heard nothing against him since his liberation, his appearance on the first day of term in the court of King's-bench would be dispensed with, and hoping that his future conduct would be such as never to render it necessary to call him into a court of justice; that the petitioner, in consequence of the mayor's communication, deemed it necessary, though at a great and very inconvenient expense, to appear in the said court of King's-bench, in order to get such supposed recognizance nullified, that he might not in future be subjected to extraordinary penalties on the misrepresentations of malevolent or interested men; that the petitioner, though altogether unconscious of having violated, or intending to violate, any constitutional principle or law of the land, but who on the contrary has made considerable efforts to preserve the peace of the country and the lives of his much aggrieved countrymen, whom he considered in danger of being goaded on by hunger and by spies to acts of desperation; that, in consequence of the petitioner's unjust imprisonment, his business is totally ruined, himself involved in very considerable embarrassments, his character traduced, and his friends and connexions enormously imposed upon, by the misrepresentations of spies and informers, which spies and informers have introduced themselves to the petitioner's acquaintance under the pretence of collecting money for his or his family's use, and have otherwise so made use of his name to excite the more distressed parts of the labouring class to acts of violence whilst the petitioner was in prison; that the doors of his friends are shut against him, and himself precluded the possibility of providing for his helpless family through the common course of trade; that though the petitioner considers that the House furnished the ministers of the Crown with that power which they have so wantonly and unprovokedly used against him, in dragging him from his family and immuring him in a solitary dungeon 241 days, yet the petitioner trusting that such powers were granted for the wisest of purposes, implores that the House will not only refuse to give its sanction to a bill of indemnity, to screen those ministers who have abused the powers the House confided to them, but, as in times less oppressive, when the House interposed their powerful aid to stop the torrent of unjust persecution, they will now so take the petitioner's case into their most serious consideration, as to grant him that redress which will enable him to bring to justice such individuals as have so incalculably injured him, and also enable him to meet his friends and connexions as he should have done had he not been so unjustly imprisoned; and the petitioner, forgetting the sorrows of a solitary imprisonment, will, as in duty bound, ever pray."

Mr. Bennet also presented a Petition from Thomas Evans, of No. 8, Newcastle-street, Strand, setting forth;

"That the Petitioner solicits the earnest attention of the House, to the grievous and illegal persecutions which he is about to detail, in full confidence that he is able to adduce undeniable proof of the correctness of every allegation, and in ardent hope that the House, as the constitutional guardian of public right, and avenger of individual oppression, will interpose their high authority to enable him to obtain plenary justice; that on the 18th of April, 1798, the petitioner was seized, pursuant to a warrant charging him with high treason, issued by the late duke of Portland, then one of his majesty's principal secretaries of state; that the petitioner was held under re-examination until the bill for suspending the Habeas Corpus act was passed, and was then committed, on pretence of treasonable practices, to the house of correction for Middlesex, from whence he was transported to the county gaol at Winchester, and again to that at Chelmsford, at which gaols he was treated with more rigour than the common felons, being denied, during the whole period of this long imprisonment, the use of books, or the possession of pen, ink, or paper, or the access of friends or relations; indeed so severe was the nature and so lengthened the duration of this unjust confinement, that after his liberation, the petitioner was frequently afflicted with a dropsical malady, or species of erysipelas in his limbs, which has greatly impaired his former excellent state of health, and sometimes rendered him an invalid eighteen months together; that on the day following his arrest, the wife of the petitioner, though far advanced in pregnancy, was, with their infant son, committed on the same false charge to the house of correction, amongst the female felons, from whence she was taken and examined before the lords of his majesty's most honourable privy council, through which nefarious artifice sufficient time having elapsed, she was, after enduring three days imprisonment, permitted to return to the petitioner's house, which she found had, during her absence, been filled with police officers of the lowest and most brutal kind, who had been sent thither to apprehend every person that might visit the house whilst they held unlawful possession, which supposed authority they had acted upon to the extreme, even inviting some of the friends of the petitioner into the house, in order to comprise them within their assumed jurisdiction; and the police officers, when they had satisfied themselves with the number of their seizures, had abandoned the house to whatever accident might have befallen it, had not the sister of the petitioner's wife fortunately arrived and prevented farther mischief by her presence; that at the end of two years and eleven months, the petitioner was liberated, without trial or any recompence for the manifold injuries he had sustained, and before he could proceed to obtain legal redress, the authors and inflictors of those injuries procured from parliament an especial act of indemnity for this and other similar abuses of their ministerial trust; so that thus ruined in property, debilitated in health, and calumniated in character, his profession reduced, his connexions broken up, and all the fruits of his previous industry dissipated, he found himself at length suddenly cast upon the world to maintain his family, under circumstances which seemed to forebode years of penury and privation; that the petitioner, since his liberation from this confessedly illegal imprisonment, had not taken any part in political affairs of any description, but had been sedulously engaged in the business which he had taken up, and from the labours of which for sixteen years he had never indulged in two successive days of recreation, his former persecution and unrequited losses having rendered the utmost industry and carefulness necessary on his part to provide for his declining years, and against the dangerous attacks of the incurable malady contracted in consequence of the rigour and closeness of his imprisonment; that the petitioner had succeeded, through his unremitting exertions, in establishing a manufactory of patent braces and spiral steel springs, to which he looked up as a secure shelter from the approaches of future distress, when, notwithstanding his inoffensive conduct, he was again assailed in a manner equally as unjustifiable and malignant as his first persecution was acknowledged to have been, by the measures enacted to prevent the punishment of his oppressors; that early on Sunday the 9th of Feb. 1817, the petitioner and his only son were seized by a party of the police, led by John Stafford, who produced for his authority a warrant from viscount Sidmouth, one of his majesty's principal secretaries of state, imputiag to them suspicion of high treason, and directing the captors to seize their private papers, which having been obtained, the petitioner and his son were conveyed to the police office, Bow-street, where they were furnished with breakfast, but not brought or examined before any magistrate; that the petitioner and his son were about noon conveyed to the office of the secretary of state for the home department at Whitehall, and put into a room with James Watson, Thomas Preston, John Keens, and John Castle, with whom they remained until the evening, when the petitioner was singly taken before the lords of his majesty's most honourable privy council, and informed that he had been arrested and stood charged on suspicion of high treason, which the petitioner immediately denied, pointing out to their lordships that the suspicion was wholly grounded on the assertion of lord Sidmouth, inasmuch as his lordship had not issued his warrant on the oath of any existing person; and the petitioner farther challenged lord Sidmouth, or any other person, to depose that he had committed any breach of the law whatever, nor was the petitioner then, or at any other subsequent time, questioned before their lordships or any other magistrate relative to any criminal misconduct on his part; that towards 11 o'clock at night, the petitioner was conveyed alone to the house of correction for the county of Middlesex, on his arrival at which place he instantly, in the presence of the king's messenger, demanded a copy of his commitment; he was then conducted to what are called the State-rooms, and lodged in one of them, in company with Thomas Curtis, a pardoned criminal, who had become an evidence for the Crown, and was then in custody to be forthcoming at the trials of some of his confederates; that on the 11th day of February and third of his confinement, the petitioner obtained permission to write at the office of the prison, where he drew up a petition to the House, complaining of the outrage against the personal liberty of the petitioner and his son, perpetrated by lord Sidmouth, which petition, addressed to lord Cochrane or sir Francis Burdett, per favour of Samuel Brooks, esq. Strand, the petitioner the same morning delivered to Mr. William Adkins, the governor, to be sent according to its direction, but it was sent to Whitehall, and there detained, and in consequence it never was presented to the House; that the petitioner discovered, on his first interview with his wife after his incarceration, that this petition had not been presented to the House, on which the petitioner wrote to his solicitor, directing him to call at the office of lord Sidmouth, and demand that petition, or to procure an order for admission to the petitioner to receive another petition, or to sue out a writ of Habeas Corpus in order to bring the petitioner into court, that some definite legal accusation might be enforced, or his discharge obtained; that on the next interview with the secretary of state, the petitioner complained to his lordship of the detention of his petition at his office; his lordship however denied any knowledge of the circumstance, and stated he would order an inquiry, but on the petitioner meeting sir Nathaniel Conant below, sir Nathaniel, in the presence of Mr. Adkins, told the petitioner that 'the paper was in 'the office, and that any person might 'have it that called for it, but that he (sir 'Nathaniel) did not think himself a proper 'medium of communication between per-'sons charged with high treason and sir 'F. Burdett;' a day or two following, on the 25th of Feb. sir Nathaniel forwarded this petition to the solicitor of the petitioner, accompanied with a note, stating similar reasons for its detention at his office; that on the 27th of Feb. the petitioner was visited by his solicitor, when the petitioner furnished him with a second petition, which was the same evening presented to the House by the hon. Henry Grey Bennet; that the petitioner was taken six times before the secretary of state at Whitehall, on each of which occasions the petitioner did invariably solicit, in the most earnest manner, to be confronted with his accuser, or that the act of treason sworn to should be named, which being invariably refused, the petitioner constantly challenged the pretended charge of high treason as false and unfounded, unsupportable by evidence, and totally groundless in fact; and the petitioner moreover observed to their lordships, that he was held by mere arbitrary authority, inasmuch as no proceedings in law had been instituted against him, nor could he be legally restrained from retiring from that office to his own home; that on the first five times of the petitioner's examinations (as they were improperly denominated) he was each time remanded to prison on commitments by lord Sidmouth and sir Nathaniel Conant, both stating that the petitioner was charged before them on oath, and during this period the petitioner was denied the possession of pen, ink, or paper, or intercourse with his friends, or the knowledge of public affairs, his lordship having assumed the power to dispose of the petitioner at his will and pleasure, although the laws for the security of personal freedom were then in full force; that on the sixth and last time of the petitioner's examinations, he was remanded on a commitment by lord Sidmouth only, the Habeas Corpus Suspension bill being then passed, in which commitment his lordship desisted from inserting the mention of any oath against the petitioner; that the petitioner, apprehensive that he would be detained for an indefinite length of imprisonment, did, on the 10th of April, deliver to Mr. Adkins, the governor of the house of correction, a petition addressed to the lords of his majesty's most honourable privy council, praying, that if any legal charge had been preferred against him he might be liberated on bail, or investigation be instituted into his case forthwith, in order to enable him to prevent the utter ruin of his manufactory, and the reduction of his wife to extreme poverty; but in the afternoon of the same day, the petitioner and his son (who had been kept separate from the petitioner since the first moment of his confinement) were removed to the Surrey county gaol, Horsemonger-lane, where they were again separated, the petitioner was put in irons like a felon, and carried to one of the strong rooms or condemned dungeons, in which he remained till the 27th of July, in utter solitude, accommodated with a bag of chopped woollen rags for a bed, a tub in one corner for a water-closet, a pail to hold water, a tressel for a table, a chair, a chamber-pot, a stick for a poker, and a bit of an old tin pot for a shovel, the use of candle was prohibited, and fire ordered to be extinguished at dusk; the petitioner was moreover denied the introduction of a box to hold his clothes, and his flute was taken away the instant of his arrival; that in the room beneath the petitioner's were confined three or four condemned criminals, whose lamentations, moans, and death-songs or hymns, till the day of execution, were so piercing and incessant, that the feelings excited in the petitioner in that dreary situation, altogether precluded him from enjoying any repose, and greatly aggravated his sufferings both personal and mental; that three magistrates visited the petitioner whilst he was ironed, and approved of his accommodation in every respect, unless the secretary of state should give contrary orders; the irons were however removed on the third day; that the petitioner was only allowed to have interviews with his wife through a grated door twice a week, in the presence of the turnkey, and the petitioner's wife was circumscribed to a single hour to visit the petitioner and his son, who was placed quite at the other end of the prison; that the petitioner in the month of June did petition the House for redress, in consequence of which he was visited by some members of the House, after whose visitation the petitioner was admitted to walk for exercise in a passage between two rows of cells, and he was allowed to have his musical instruments, a feather-bed was furnished, and the use of candles was permitted; that the petitioner learns, with astonishment and indignation, that some of the allegations of that petition were contradicted, for the petitioner assures the House, that there is no allegation in that petition which he is not prepared to prove at their bar to be strictly and literally true; that on the 27th of July, the petitioner was removed to the room of his son, who had been similarly ill treated during their separation; that throughout the period of the petitioner's recent imprisonment, with the exception of his wife, all his friends and relatives were prohibited from visiting him, notwithstanding his urgent solicitations to the contrary; that on the first day of this present month, the petitioner and his son were taken to the office of sir N. Conant at Whitehall, and there offered to be released on entering into resognizances in the sum of 100*l.* each to appear in the court of King's-bench on the first day of the present term, and from day to day to answer to such matters and charges as should then and there be produced against them, and not to depart the court without leave, with which conditions the petitioner and his son refused to comply, insisting upon being brought to trial for the offences imputed to them, or being discharged unconditionally; that the petioner and his son were liberated on the evening of the 20th instant, by order of lord Sidmouth, without being required to enter into any acknowledgments, and without any compensation for this illegal, unmerited, and protracted persecution; that the petitioner particularly wishes to impress upon the attention of the House, that at each of his interviews with lord Sidmouth, between the period of his arrest and final commitment, the petitioner did uniformly insist upon being confronted with the person who was said to have made oath against him, but that no intreaty or demand could induce lord Sidmouth to comply with this just and legal request; and the petitioner consequently believes, that the pretended charge of high treason against himself and his son, was altogether a mere fabrication for the most wicked purposes, and that no person ever did make oath against them relative to any matter or thing which could warrant a suspicion of high treason; that the petitioner finds his business completely ruined, his future prospects overcast, and his character deeply injured by many false and scandalous rumours, originating from this persecution: he has been treated with the greatest indignity, cruelty, and injustice, for no assignable cause whatever, except the personal hostility of lord Sidmouth; the petitioner therefore prays that the House will institute an immediate inquiry into the allegations herein set forth, in order that the grievances of the petitioner may be fully redressed."

Sir *M. Ridley*, on the question being put, that the petition be printed, rose to protest against any precedent that might be established by the chancellor of the exchequer having asked, when the question of printing a former petition was put, whether it contained any thing disrespectful, as if a petition respectful enough to be laid upon the table were not respectful enough to be printed. The chancellor of the exchequer might put such a question before the petition was laid on the table, but every petition laid on the table was entitled to be printed.

Mr. *C. Wynn* said, that petitions might be laid on the table which contained statements that might make it improper to print them. It might be proper that the House should know their contents, and yet it might be improper to give them farther publicity. The House ought therefore to use its discretion as to printing a petition in each particular case.

Lord *Folkestone* thought the hon. member's argument went rather to show the propriety of printing all petitions. How were the House to know the contents of a petition, if it was neither read by the clerk nor printed with the votes? What was the advantage of having a petition laid on the table, if it remained thus unread and unprinted? He saw with surprise so many innovations introduced by those who made innovation one of their main arguments against the most important improvements. It was only since the last eight or nine months, that it became necessary to make a distinct motion for the printing of a petition. In his memory, every petition presented was printed at full length. They were gradually shortened; and at length, a particular motion became necessary for the printing of a petition at all. He had on a former occasion expressed his regret at this vote. It was a palpable injury to the people that every petition should not be printed, in order to come readily under the observation of the House; for they were only the servants, the representatives of the people. He should not, however, be surprised, although he should be sorry to find it ordered, that no petition be printed.

Mr. *Bennet* next presented a Petition from William Ogden, of Manchester, Printer; setting forth,

"That the Petitioner is an old man, 74 years of age, with a large family dependent on him for support, and during his absence his wife solicited the overseers of Manchester for relief, but was rudely refused any, as he the said petitioner was an advocate for parliamentary reform, although he has paid the poor-rate in Manchester for thirty-six years, and by his two wives had seventeen children: he was seized, by a warrant from lord Sidmouth, on Sunday morning the 9th of March 1817, while in bed, the day before the meeting of the 10th; his house was rummaged, his property carried away, and all his papers, and though nothing was found but what was perfectly legal, he was committed to prison in solitary confinement, nor had he any meat allowed him from Sunday morning till Tuesday at three o'clock in the afternoon, when, on complaint to col. Sylvester, the magistrate, he was ordered a three-penny pye, which was all the meat allowed him at that prison; he also informed the said magistrate that his shoes were broke, and not fit for such a journey, on which the magistrate said, "Get him a pair, Nadin, get him a pair;" but the catchpole replied, "Why did you not send for another pair?" to which the petitioner replied, "I have not always two pair, and did not know of marching orders;" but Nadin replied, "It's too late now," and over-ruled the colonel, as none were given the petitioner; he was then loaded with a manacle not less than thirty pounds weight, and treated in the most brutal manner by the constable, and Nadin his deputy, whom the petitioner has every reason to conclude was the informant against him; as he had for six weeks before declared to the petitioner personally, that if he did not discontinue his attendance at the public meetings, he would apprehend him; conscious of the rectitude of his conduct, the petitioner disregarded his rude threat; but before the meeting of the 10th of March commenced he was apprehended by the said Nadin, and therefore did not attend; on application to face any informant, the petitioner was treated indignantly by the ferocious Nadin, and immediately posted off; the ponderous irons the petitioner was loaded with broke his belly, and caused an hernia to ensue about eight o'clock in the evening, when going to bed, and it was impossible to alarm the gaoler; the petitioner remained in that dreadful state for more than sixteen hours in the most excruciating torture; on the turnkey appearing in the morning, two surgeons were sent for, who, after using such means as seemed to them necessary, found nothing would do but the knife, and apprehended, from the petitioner's age (seventy-four), he should die under the severe operation; the pain he endured was so great, that he insisted on that means being resorted to; they unwillingly commenced the operation, which continued for one hour and forty minutes; and, praised be God, and the skill of the surgeons, the petitioner survived it, contrary to the surgeons' expectation, but much debilitated in his constitution, and he is fearful he shall never be able to follow his employ as a printer; Mr. Dixon, the surgeon, and his partner, performed the operation in Horsemonger gaol, and can witness to the truth of this statement; the wound in the groin of the petitioner was above seven inches in length, and Mr. Dixon had his entrails out of his belly in his fingers, like a link of sausages; Mr. Walters the governor was also there, and can speak to the fact here recorded; thus has an old man been torn from his family, and ruined in his business, by the base municipality of Manchester alone, who alone were the rioters, one of whom was a clergyman, the Rev. Mr. C. Ethelston; for the petitioner declares before God, who is both omnipotent, omnipresent, and omniscient, he had done no wrong, though he has suffered all this, and has been near nine months in solitary confinement, through the machinations of mean unworthy men, who have disgraced the very source that created them; the petitioner, therefore, humbly hopes that the House will not pass an act of indemnity so as to preclude him from seeking that redress his hard case merits, and that remuneration which he is in justice entitled to."

Sir *Francis Burdett* rose to present a petition of a similar nature. It was scandalous that so many innocent men should be seized and subjected to imprisonment. They had been arrested without a charge, confined and punished according to the pleasure of ministers, and most illegally discharged without an opportunity of proving their innocence and their sufferings. They had always pressed for a trial, but when the time came their accusers shrunk from such a test of their conduct.

The Petition was read. It was from John Stewart, weaver in Glasgow; setting forth,

"That the Petitioner was apprehended by the sheriff of Lanarkshire on the 22d of February last year, and put in prison, where he remained seven weeks and three days, when he was liberated on bail, without having been charged with any specific crime; that from the 22d till the 26th of the said month he continued in gaol without fire, candle, provisions, or even a bed to rest upon, in that cold and inclement season of the year; that his prison allowance was only 4*s.* 8*d.* per week, 2*s.* 6*d.* of which was expended in the articles of coals, candles, and other necessary things, leaving only 2*s.* 2*d.* to find him in weekly subsistence; that the petitioner has a wife and three children who suffered severely from the want of his labour and company, while the loss of work, the expense of a bail bond, and other charges connected with his confinement and liberation, have reduced his circumstances and require redress; may it therefore please the House to take the above into serious consideration, and grant such redress as to them may seem meet."

Mr. *Bennet* presented a petition from William Benbow, late of Manchester, setting forth,

"That the Petitioner on the 16th of May 1817, was arrested in the city of Dublin without apparent legal authority for that purpose, and detained in custody after examination for four days, without being able to obtain any information as to the cause of his arrest or detention in custody; that on the 20th of May 1817, the petitioner being still in custody, a messenger arrived from England, and re-arrested him, by virtue of a warrant from lord Sidmouth, upon a pretended suspicion of high treason, and the petitioner was conveyed in irons from Dublin to London, and committed to the House of Correction in Cold Bath Fields, there to remain until delivered by due course of law; that the petitioner was then promised a fair trial, and that the list of witnesses intended to be brought against him, with whatever other information might be necessary, should be furnished him in due time; that the petitioner was confined for the space of eight months in the House of Correction as aforesaid, and treated with much unnecessary cruelty and insult, and exposed to much studied deprivation of those comforts that his situation required; the petitioner not being permitted to correspond freely even with his wife, the letters of the petitioner to his wife being detained by lord Sidmouth, and those of his wife to the petitioner by the gaoler of the House of Correction, as if it were necessary to add all the pain to the petitioner's miserable situation, of which his persecutors were capable; the petitioner's letters, or rather such of them as lord Sidmouth thought proper, were forwarded free of expense, this was not requested by the petitioner, but afterwards the petitioner was informed that no more correspondence could be franked for state prisoners; that the petitioner requested the secretary of state to furnish him with such necessaries as the deprivation of liberty prevented him from procuring for himself, when he was insulted by being told he might have such things as were provided for persons committed on felonious charges; that after eight months of such unmerited confinement and violent treatment, the petitioner was offered his liberation upon terms which he deemed himself bound to reject, as degrading, oppressive, unjust, and calculated to shield his persecutors from the consequences of their despotic conduct; that the petitioner therefore refused to accept his liberty upon any other than an unconditional discharge, and a full admission of the unnecessary violation of the laws which had taken place in his person; that the petitioner did receive such unconditional discharge on the 20th of this month, and after having been thus confined and ill-treated by his persecutors, is now discharged without trial, and thrown upon the world without means, at a distance of nearly two hundred miles from his home and family, without the least assistance to carry him thither, or to compensate in any way his losses and privations by such a wanton violation of the principles of justice, and the constitutional laws of the land; the petitioner therefore feels himself in duty called upon to lay his sufferings and his grievances before the House, and to call upon its honourable members for such redress as may become their regard for the liberty of the people, and the sanctity of the laws, both of which have been violated in the treatment experienced by the petitioner."

The Petitions were ordered to lie on the table, and be printed.

Election Laws Amendment Bill.] The bill being recommitted,

Mr. *Wynn* said, he was not aware of the intention to propose any alterations in this bill, but if any such were intended, he should feel obliged if they were now brought forward, as the present was the most convenient stage for such discussion. In the clause excepting places which had no more than 150 electors, from the authority of magistrates to erect booths for polling, &c. he himself proposed to move an alteration. Nothing could be more regular, he understood, than the mode of conducting elections in the city of London, where 8,000 electors were usually polled in eight days, and therefore he proposed to insert the exception of London in this clause, in addition to that of the universities of Oxford and Cambridge.

Mr. *Lockhart* adverted to the clause authorizing a returning officer to adjourn the poll to the next day, when any riot should take place to prevent the electors from coming to the poll, and remarked, that as it was proposed in the bill that if 400 voters had not been polled at the close of the second day, the election should finally close, the candidate likely to suffer from that decision might himself contrive to excite a riot, with a view to obtain time for the collection of votes. Such riot might, indeed, with the same view, be renewed day after day by the unsuccessful candidate, in order to harass his opponent. It also appeared from this clause, that the existence of the riot was limited to the place of polling, for wherever or however it occurred, the power of the returning officer to adjourn the poll was to be established. This he thought such a latitude of discretion as was but too liable to corruption. He had not any substitute to propose upon the points alluded to, but he felt it his duty to throw out these suggestions for the consideration of the author of the bill.

Mr. *Wynn* expressed his readiness to attend to any suggestion from the hon. gentleman. But as to the discretion proposed to be granted to the returning officer, that, like every other degree of discretion at present belonging to that officer, was to be exercised, subject to the right of superintendence and revision on the part of that House, which right must always form a guard against the abuse of such discretion. With respect to the other point alluded to by the hon. gentleman, it would be admitted that a riot serving to prevent electors from coming to the poll, might happen at a distance from the place of polling, and it was to meet such a case that the clause under consideration was so constructed.

Mr. *Lockhart* observed, that the only remedy which occurred to his mind at present was this, that upon the re-opening of the poll, after any adjournment, no elector should be allowed to vote, unless he swore that he had been previovsly obstructed or prevented by riot from coming to the poll.

Upon the provision that any candidate, against whom no poll was demanded, should be declared duly elected, although the poll should go on among other candidates.

Mr. *Wynn* observed, that it was evidently a great hardship that a candidate, against whom no objection was made or poll demanded, should be subjected to the expense and trouble of an election, merely because there were other candidates, with respect to whom a difference of opinion existed among the electors. To provide against such a grievance, this clause was proposed; but the committee would see that no evil could result from its adoption, because, if a poll were demanded by one elector, the declaration alluded to could not be made, and as there were few candidates who had not at least one enemy, it was not very probable that this provision would be often acted upon. If, however, only one case should occur, the benefit of this provision should in justice be extended to it. Of this clause, however, he was not so tenacious as of the other provisions of the bill.

After some farther conversation, the clauses were agreed to, and the Report ordered to be received on Monday.

REFORM OF PARLIAMENT.] Sir. *F. Burdett* presented a petition from the inhabitants of St. George's, Hanover square. It began with expressing their conviction, in common with the whole kingdom, that the House did not in any intelligible or constitutional sense represent the people, that they were the instruments of a weak and contemptible administration, who had suspended the constitution of the country, and punished the people at their pleasure. It then proceeded to state, "that the petitioners would most certainly resist the payment of taxes, unless the prayer of their petition is complied with."

Lord *Castlereagh* rose to request the clerk to read the last sentence over again. This being done, he rose again amid the cheers of the House, to say that the language and spirit of the petition were neither respectful to the House, nor reconcileable with the laws and constitution of the country, he therefore moved that it be rejected.

Sir *F. Burdett* contended, that as the petitioners were to resist the payment of taxes only in a legal manner, their petition ought to be received. It was the very principle and spirit of the constitution, that the people should pay no taxes but through their representatives. If, then, they were called upon to pay taxes which their representatives had not imposed, the constitution and laws of the country should protect them from the payment of those taxes.

The petition was rejected without a division.

HIGH CONSTABLE OF WESTMINSTER.]

Mr. Calcraft presented a Petition from William Lee, the High Constable of Westminster, praying for compensation for his attendance and that of his officers on the House of Commons, which was ordered to lie on the table. Mr. Calcraft gave notice that on Monday he would move that it be referred to the consideration of a committee.

Exchequer Bills Bill.] The report of this bill being brought up,

Mr. *Tierney* said he had a question to put to the chancellor of the exchequer, to which he felt it of great importance to obtain a definite answer. The right hon. gentleman had originally called for a grant of 39 millions by exchequer bills. He now was satisfied with a grant of thirty. What therefore he wished to know was, whether the sum of six millions to be paid to the Bank on the 5th of April next, was included in these 30 millions? In other words, would this grant meet the current expenses, and discharge the demand of the Bank?

The *Chancellor of the Exchequer* entertained no doubt that the sum now voted would cover every charge that could arise during the period in question, not excepting those payments to the Bank which the gradual liquidation of its claims would render necessary, and which he had before stated would be made in money.

Mr. *Tierney* did not think it of much importance whether the six millions was repaid in one sum, or in various sums; but the answer of the right hon. gentleman induced him to ask whether the repayment would take place on or before the time specified in the act, which was, he believed, the 5th of April next.

The *Chancellor of the Exchequer* said, that no part of this sum would be due until the 5th of April. Then the repayment would commence, and, as he said, would, for mutual convenience, be gradual.

Mr. *Tierney* said, he should suppose, that the convenience of the party to whom the money was to be paid, would be best consulted by liquidating the demand. But it was most important to the country that it should be repaid to the Bank at the time specified by law, because it went to afford to the Bank the facilities of meeting its engagements with the country, by paying its notes in cash. But what said the chancellor of the exchequer to night? That on the 5th of April the payment of the six millions would take place?—No such thing—it would only commence. So that if the right hon. gentleman should think proper to pay the Bank a one-pound note, he would deem the enactment fulfilled. On a former evening he had congratulated himself on having at length pinned down the chancellor of the exchequer to something precise. But now they were wholly at sea again. Every thing definite that the right hon. gentleman had before stated relative to the payment of these six millions to the Bank, at the time specified, he had now knocked on the head. If there had been any arrangement between the right hon. gentleman and the Bank, in common candour why not state it? Then we should start fair. What he was now told satisfied him as to a rumour which he had that very day heard from persons conversant with these affairs, namely, that the repayment of these six millions to the Bank, as positively asserted by the chancellor of the exchequer, never was in contemplation. He was never able to comprehend what the right hon. gentleman was at. All persons who thought they understood the English language, fancied the other evening, that the right hon. gentleman said the Bank would be paid in money. Now, however, it appeared, that nothing of the kind was to take place. The best rule for hon. members would be, whenever they asked the right hon. gentleman a question, to wait a fortnight before they satisfied themselves that they completely apprehended his answer.

The *Chancellor of the Exchequer* was persuaded that the right hon. gentleman was the only person in the House who understood him on a late occasion, in the way in which he had described. On that occasion the right hon. gentleman had asked him whether the six millions which would become due to the Bank on the 5th of April next, would be paid in exchequer bills or in money? His reply was, that it would be paid in money. But he had not said—indeed the question had not been asked him—that it would be so paid on any given day. His answer was simply to be understood in this sense—that government did not intend to renew the six millions in exchequer bills, but that at some period within the time specified by act of parliament, that sum would be paid to the Bank in money. He had not stated the precise time when it would be actually paid, but the want of the money could in no way impede the resumption of cash payments by the Bank, abundant provision having been made in time with reference to that object.

Mr. *Tierney* observed, that holding in his hand an act of parliament which said that the six millions was to be repaid to the Bank on the 5th of April next, he had asked the right hon. gentleman opposite whether it was his intention to repay it in exchequer bills or in money? The right hon. gentleman had replied, in money. He certainly did then understand that it was to be so repaid in money on the day specified in the act. Such was the obtuseness of his intellect, that when he knew that money became due on the 5th of April, and when the right hon. gentleman told him that it was to be paid in money, he was fool enough to believe that it would be paid on that day [a laugh].

Mr. *Sharp* wished to ask, whether it was the intention of government to pay these six millions to the Bank of England before the expiration of the act authorizing the Bank to suspend their payments in cash?

The *Chancellor of the Exchequer* said, he had already stated, that the repayment would take place in such proportions as occasion might require.

Mr. *Grenfell* declared, that the impression on his mind, from what had fallen from the right hon. gentleman on a recent occasion, was, that this payment was to take place, in cash or in bank notes, on the 5th of April. But now the right hon. gentleman said, it was to be paid as it might be required by the Bank; though, but two minutes before, he had stated, that it would be paid before the end of the session. By the act of 1816, an option was given to government to prolong the payment to the Bank of this loan of six millions, for three years. Did the right hon. gentleman mean to state, that if the Bank did not require the money, or if he were not disposed to pay it, he should feel justified in delaying the payment so long as that period of three years? It was not, however, entirely for the purpose of putting this question that he had risen. He rose to express his hope, that the right hon. gentleman, in raising money, would adhere to the system which had been pursued, so advantageously for the public, in the mode of issuing exchequer bills during the last five months; namely, to issue them at the rate of two-pence per diem per cent, which was about equal to three per cent. per annum. If from this were deducted the premium of one per cent borne by those bills since October, it would appear that money might be raised at present at so small a rate as two per cent. This was certainly a state of things extremely advantageous. Besides the positive saving (which if the same amount of exchequer bills were issued this year as the last, would come to 5 or 600,000*l.* there was another most important benefit, namely, the tendency to keep down the rate of interest of money in the country. Government being able to raise money at two per cent. must in time establish as low a rate of interest throughout the country. He was one of those who were of opinion that a low rate of interest must be highly advantageous to the community. It was in itself evidence of a state of prosperity. It stimulated national industry; it stimulated commerce; it stimulated agriculture. It afforded facilities to that great, respectable, and preponderating class, the landed interest, to raise money on the security of their estates at a moderate interest, for the improvement of their estates. During the latter periods of the late war, it was absolutely impossible for any gentleman of landed property to raise a shilling on that property at legal interest: and those who felt an imperious necessity to raise money on their estates, were compelled to do so, either by an infraction on the existing law, or by consenting to the most onerous and ruinous terms.—He wished to add a few words with respect to the discounts of the Bank of England. He had not the most remote disposition to interfere with the management of the Bank in this respect. He was far from thinking that that House had any right to interfere with the Bank respecting their rate of discount. At the same time, considering the privileges, immunities, and advantages, which the Bank derived from their connexion with government and the legislature, he hoped he should not be thought too assuming, when, as a member of that House, and with a view to the production of as low a rate of interest as possible, he suggested whether it might not be expedient and becoming in the Bank of England to reduce their rate of discount from five to four per cent. If, as a Bank proprietor, he were addressing the court of proprietors, he would recommend such a measure, even on the ground of its advantage to the Bank itself, as there was little or nothing to do while the discount was maintained at 5 per cent, while, in all probability, there would be a great deal to do were the discount reduced to 4 per cent.

The *Chancellor of the Exchequer* said, that the option of postponing the repayment of the six millions to the Bank for three years would not be accepted, but that they would be repaid in the course of the year. He agreed, in a great measure, with what had subsequently fallen from the hon. gentleman. It was undoubtedly very gratifying to government to be enabled to raise money on terms more advantageous than had ever before existed.

The report was then agreed to.

MOTION RESPECTING THE ROYAL BURGHS OF SCOTLAND.] Lord *Archibald Hamilton* rose to make his promised motion, relative to the late transactions in the burgh of Montrose, which were likely to have so material an influence on the future situation and destiny of Scotch burghs. He said, he should commence by declaring what his intended motion was not, and then proceed to state what it was. It was not any disguised motion for parliamentary reform, nor had it any necessary connexion with that unwelcome topic. His motion would be for the production to this House of those proceedings of the privy council, which were technically called, the Act or Warrant, by which a new election of magistrates had been granted by government to the burgh of Montrose, and a radical and important alteration had been made in the old constitution of that burgh. The learned lord advocate had declared, last session, when he (lord A. H.) had supported the prayer of some Scotch petitions for parliamentary reform, that the people of Scotland were satisfied with things as they were.* Such a declaration would surely not be made now. They who had observed what had passed in that country for the last six months—who had noticed how many public meetings had been held for the sole purpose of considering the abuses and mismanagement in their burghs—who had seen how all the newspapers in that country had teemed with resolutions from the different burghs, stating the grievances which they actually suffered, and the helpless and cruel condition of distress and insolvency to which they were approaching—would find some difficulty in believing the learned lord's assertion of last year, that the people of Scotland were satisfied with these matters as they were.

He was convinced, that neither the noble lord opposite, nor any other member of his majesty's government, if he could be made perfectly acquainted with what had passed, and was passing, and likely to continue in the Scotch burghs, would voluntarily continue that system of fraud which wasted the resources, and of self-election in the magistrates, which eluded and defied all responsibility. He need state only one fact to show the state of things in those burghs—it was this: that the inhabitants of a burgh in Scotland, who had no voice in the appointment of the magistrates of that burgh, and no control over their conduct, were nevertheless, according to the best information he had been able to obtain, and according to the highest legal opinions, liable for whatever debts they might, in their magisterial capacity, contract. Indeed, it had been solemnly decided, within the last fifty years, both in the court of Exchequer and court of Session, that they, the said courts, had no jurisdiction against the magistrates of a burgh in questions of general account. This abuse was founded upon another still greater; namely, self-election in the magistrates—a practice contrary to all reason, sense, and justice, and to every principle of the British constitution. Indeed, it was an abuse of such a nature, when applied to a corporate body which had duties to perform, that the wit of man could not contrive a mode better calculated to produce the most domineering arrogance in these municipal governors, and, in the helpless governed, the most abject state of subjection and servility. In several burghs in Scotland, the magistrates, if they chose, were, year after year, self-elected in perpetuity. In most, the matter of election was so managed, that it amounted to the same thing. In other burghs, the magistrates were not bound to reside, and, in fact, did not reside, and were rarely seen in the burghs, whose concerns they pretended to manage, except once a year, to be re-elected. All these were abuses of the most discreditable and injurious nature,

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* See Vol. 35, p. 923.

It was not his wish or intention, upon the present occasion, to excite any unpleasant feelings on the subject. He by no means meant any hostility to the learned lord, or the hon. gentlemen opposite. He should be very sorry if any thing he said or did, should be injurious to that cause which he was anxious to serve.—It was the cause of Scotland; and, in his conscience, he believed, that in no way could he more effectually promote the best and permanent interests of that country, than by using his humble efforts to effect the destruction of this odious system of burgh-management—to annul that abominable abuse, the self-election of magistrates, and to establish the liability of those entrusted with the funds and possessions of burghs, to have their management brought to the test of strict and accurate accounts.

He would now proceed to detail the particulars of the case which had occasioned his motion. What had occurred was this:—In the course of last year, an irregular election of the magistrates took place at Montrose—it was deemed, indeed, wholly void—and thus the burgh, in its corporate capacity, had lapsed and become dormant. There existing no power within itself to revive itself, application was made, through the lord advocate, to the king in council, to re-establish the functions of the burgh, by granting what is called, a poll-election; that is, an election of the magistrates and council by a general vote or poll of the burgesses. Thus far he had nothing to object to. But besides this poll election, the Act and Warrant of his majesty in council had taken to itself the privilege of also granting a change in the set or constitution of the burgh; and this, he contended, was an usurpation of an illegal power—and although he was ready to admit, that the alteration was an improvement, and a benefit to the burgh, yet he must object even to a benefit, if it was conferred through the medium of an usurped and unconstitutional power in the Crown. He would illustrate his meaning by reference to what took place last session, in regard, Sir, to your predecessor in the chair. A message from the Crown was brought down to that House, soliciting the means of making provision for lord Colchester. Now, although the sense of the House was in favour of the thing to be done, there existed a very general and very just resistance to the manner of doing it; because the House of Commons thought that any pecuniary remuneration to their Speaker, ought to emanate and originate from themselves. So he said with regard to Montrose. The Crown was right in reviving the dormant power of election; but if any change was to be made in the burgh itself, it ought to be made by parliament, and not by the mere will of the Crown; that is, by ministers. He would not pretend to set up his opinion in opposition to the opinion of the lord advocate, the attorney and solicitor general, and the privy council—nor did he. But he had endeavoured to avail himself of legal authority in Scotland by every means in his power; and he could find no authority, dead or living, which would sanction this extraordinary power in the Crown. Would the privy council do the same thing in other burghs under similar circumstances? What had been done, amounted to nothing more nor less than this—that the Crown took on itself to alter the constitution of a burgh in such a way, as materially to affect the representation in that House. It constituted new offices, to which the right of voting for a member of parliament was attached. Was the noble lord of opinion, that, as often as any burgh in Scotland fell into a situation similar to that in which Montrose had been placed, that such burgh might not only be revived by the Crown—to which, indeed, there was no objection—but might also be new modelled according to its pleasure? It was no argument in favour of the proceedings to say, that the new set granted to Montrose was superior to the old one. If the Crown, on its own specific authority, could give a constitution better and more enlarged than that which originally existed, it might, if it chose, under the same power, or assumption of power, give one worse and more contracted. Nay, farther, if the Crown could change the set in September last, as it had done, it could change it again in January—and again in June—and thus the form, if not the existence, of all the Scotch burghs, were dependent upon the mere will of the Crown—or rather upon the will or caprice of its ministers.

He wished to have this preliminary point settled, previous to calling the attention of the House to a more extensive consideration of the subject after Easter. What he called in question, was, the power of the Crown to alter the constitution of these burghs, and not the power of reviving their lapsed or dormant existence. Supposing that parliament should take into consideration the grievous mismanagement and decayed state of the Scotch burghs, and should effect an amelioration of their situation, what cause would Scotland have to rejoice in such a just and beneficial measure, if, the moment afterwards, his majesty's ministers might abrogate all that had been done, by granting a new set, and making what alterations in it they pleased? There was another point to which he wished to advert. The learned lord knew very well that there was a society in Scotland called the Convention of Burghs. This convention, he believed, claimed the power by law, but certainly had in fact exercised the power of altering the constitution of several burghs. Now, if this convention had such right, and if his majesty's government had also the same right, he begged to know to which of these authorities the burghs must submit? He would ask the learned lord which of these conflicting powers were supreme, and which subordinate? Or whether they had both concurrent jurisdiction? And in the last case, if their edicts in these matters should not agree, who was to decide between them, and what was the legal remedy or appeal? Many of the burghs of Scotland were so overwhelmed with debt at this moment, that little or no revenue remained for their current expenses, and the burgesses felt considerable alarm for their own individual and private property. He believed, that according to the best authority on this point, the burgesses were liable for the debts of the burgh. And it was notorious throughout Scotland, that many of the burghs were involved in the greatest financial difficulties, and were threatened with dissolution. It had already happened in one, that no person could be persuaded to undertake the office of magistrate. Several individuals had refused to act when elected. If no political interests were concerned, he was sure that the state of long-continued abuse they had suffered, and of degradation into which they were fallen, would excite the sympathy of all parties in the House. But he would not now enlarge on that subject. He would rather say too little than too much on these collateral points. His object was, to procure a fair and candid consideration of the immediate subject before the House. He must repeat that his objection was not to the thing done, but to the manner of doing it—not to the alteration of the set, but to its being done by the Crown, which he could not but think as illegal in fact, as in spirit it was unconstitutional. The noble lord concluded with moving, "That there be laid before this House, a Copy of the Act or Warrant of his Majesty in Council, dated in the month of September, 1817, authorizing the guild brethren and inhabitant burgesses in the burgh of Montrose to elect fit persons to be magistrates and town councillors of the same, and authorizing and ordering an alteration in the former set or constitution of the said burgh in all time coming."

Lord *Castlereagh* said, that the speech of the noble lord had been marked with every degree of candour; and he was very anxious as candidly to state the grounds on which he saw objections to producing the document for which the noble lord had moved. It was very true the noble lord had stated, that it was not his wish to connect the particular reform which he wished, with any general reform in the representation—that he had rather in view an improvement in the administrative than the representative character of the burghs; but though the noble lord had not opened the general question of parliamentary reform, he could not separate the subject from it. The reform which the noble lord wished, would lead to an extensive change in the burgh elections of Scotland, and, therefore, would carry reform into the representation of that part of the country. But he would contend, that there were not very strong grounds for the production of the document, even on the more limited ground of improvement in the administration of the Scots burghs. There might be defects in that administration, as there were defects in every institution; but in so far as his majesty's ministers, from being charged with the peace of the country, were acquainted with the state of the country, he could say that there was no part of the country where the population was in a sounder state than in the burghs of Scotland. Order and decorum marked the national character of Scotchmen, and no where was that order and decorum more conspicuous than in the royal burghs. There seemed, however, a defect in the law of Scotland with respect to the burghs—they had no power at present to take cognizance of the pecuniary concerns, and to enter into the subject of the administration of the funds of these burghs. But this evil would be obviated by the bill, of which notice had been given by his learned friend, the lord advocate. With respect to assuming a right of taxation, he really could not conceive, that in any of the burghs the magistrates and town council would think of setting up any such arbitrary right of assessing their fellow-citizens; or that there could be any difficulty in resisting an attempt of such a nature. It was vain to think of separating the question of reform, from giving to the burgesses the faculty of electing their magistrates — the noble lord could not state any practical utility in the projected change, except with a view to a reform in the representation. The document moved for could throw no light on the general question of reform. As to the question of the legality of what had been done, he thought the House were not likely to be good judges on such a subject. Whether the charter was or was not legal according to the law of Scotland, was rather a question for the decision of a court of law, than for the decision of that House. Now, there was no individual of Montrose affected by the change who had not his legal remedy, and who might not, in a court of law, question the legality of the election of magistrates under the new charter. The question might also be brought forward in the convention of burghs — that convention might refuse admission to the delegates from Montrose, and then the question whether that delegate had a right of admission or not, might be agitated. But the noble lord had argued, that, though the present arrangement for the burgh of Montrose was good in itself, ministers might afterwards make other arrangements of a very different character, to favour particular political views. But here, it appeared, that the act had grown out of the circumstance of the suspension of all the powers of the burgh. The relief was generally solicited—there was not one complaining party; and therefore it was unfair to consider an act called for under such circumstances, the beginning of an arbitrary system of interference with the constitutions of the burghs. It was enough to show, that in the present case the Crown had not wantonly invaded the corporate rights of the burgh. As to the question whether the Crown was authorized to act in this manner, it might come before the House in a much more suitable way than by the present motion. It was not impossible that the election of the member for the class of burghs to which Montrose belonged, might be questioned by the unsuccessful candidate, and a committee of the House, acting on their oaths, under the Grenville act, might have to dispose of it. If this motion was granted, it would go far to give countenance to the question of parliamentary reform, a question which the House ought not to entertain, without ascertaining what was specifically proposed to be done. Upon these grounds, he considered it his duty to dissent from the motion.

Mr. *Abercromby* said, that the subject brought forward by his noble friend had no connexion with that of parliamentary reform. The state of the Scotch burghs, however, was such as, in the opinion of those who were most competent to form an opinion on the subject, called imperiously for inquiry. He could not, indeed, see any connexion between such an inquiry and the subject of parliamentary reform, excepting in as far as any regulations respecting those who had a right to vote in the election of a member of parliament was connected with that subject. It was said, that it was only when the rights of the burgh were suspended, that the Crown interfered to re-animate them. But, in the case alluded to, it went farther; it altered the set altogether. If this was wrong, it was an usurpation on the part of the Crown; and though in the present instance it might have been exercised beneficially, yet it went to establish a precedent which, in the hands of bad ministers, might be made use of to justify the worst encroachments. He thought no subject more suitable for parliamentary inquiry. He thought that copies of the old and new set should be produced, that they might be able to see the alteration to find whether the Crown had improperly interfered, or whether they had interfered in such a manner as demanded parliamentary inquiry. If the Crown had improperly interfered, and no notice was taken of it, the measure would be acquiesced in and be established as a precedent. He thought the course adopted by his noble friend a proper one. It was not connected with any wild theories of parliamentary reform. If it had been he should have remained silent; but being of a different opinion, and finding that in the course of this year five or six other burghs were likely to be placed in a similar situation to that in which Montrose lately stood, he thought it of very great importance that the subject should be fully discussed. He thought the circumstances of the case completely relieved his noble friend from any suspicions of being desirous of agitating the question of parliamentary reform: his noble friend wished only to resist a precedent which, though now beneficial, might be improperly applied. Having some connexion with Scotland, he was glad to hear from the noble lord a language respecting that country so different from that which he had heard from him last year—all was now tranquil, there were no secret committees, and it was all owing to the excellent magistracies of the burghs of Scotland that things went on so smoothly!

The *Lord Advocate* contended, that no person in that House had ever charged Scotland with being generally disaffected—it was only Glasgow and its neighbourhood to which the charge of taking illegal oaths applied. The noble mover had said, that the magistrates and counsel of the burghs possessed an unlimited power of taxing the property of persons residing in the burgh. The noble lord had forgotten, that in the Declaration of Grievances at the Revolution, to levy money without the consent of parliament was declared contrary to law. He would ask the noble lord, if in any of these burghs which he declared to be in a state of utter insolvency, a single suit had ever been brought forward against any one of the inhabitants for payment of the debts of the community? From the Revolution downwards, with one single exception in appearance, which he should explain, no case had occurred of burgesses being liable for debts contracted by their magistrates. He knew that opinions had been given by counsel that the inhabitants were liable for the debts of the burgh; but though these opinions had been given years ago, no suit had ever been commenced on them. He could tell the noble lord, that the magistrates of some burghs had attempted to levy petty customs for the defrayment of the public debt; in Aberdeen, for instance; but the question was ultimately decided, on appeal to the House of Lords that the magistrates of burghs had no such power to levy customs. The noble lord had referred to a case decided by the barons of exchequer; but he mistook it. By an old Scotch statute, it was alleged that the barons of the exchequer were empowered to audit the accounts of royal burghs; but in the case in question, the barons refused to sustain their jurisdiction. This was, however, merely a question of audit. There was hardly a year in which applications were not made to the legislature by burghs, for a power of levying money to pay debts. Surely, if an act of the town council was a sufficient authority, they would not have been so ill advised as to apply to parliament. The noble lord had stated, that the inhabitants of the Scots burghs were placed in a state of the greatest servility; but the power in magistrates and other office-bearers of appointing their successors, was not worse than the power of holding their places for life. In a great many parts of England the magistrates of boroughs were appointed for life. The noble lord would find the power exercised by the Crown in the case of the burgh of Montrose, was virtually recognized in the Declaration of Grievances. The complaint in that declaration against king James was, not for altering the constitution of burghs, but for having done so of his own authority, "without judgment, surrender, or consent." In the case of the burgh of Stirling in 1782, a similar warrant had been granted. Counsel had been heard in that case before the new constitution was granted; and afterwards, though the affairs of that burgh came before the court of session three times, and before five or six committees of election in the House of Commons, it had never been objected, that the warrant in the case of that burgh was void and null. In 1789 or 1790, there was a motion respecting the state of the Scots burghs, and in the report of a committee the modes were discussed in which alterations could be legally made by course of time, by the burghs themselves, and by the act of the Crown. The case of Stirling was referred to, and the right of altering the set, as was done in 1781 or 1782, was not questioned. That alteration in Stirling was precisely the same as that in the burgh of Montrose. There was, therefore, no ground for the allegation, that this exertion of the prerogative of the Crown was illegal. He had been asked by the noble lord, whether he intended to propose the same alteration in every burgh, which, by neglect, might be disfranchised? He should answer no. Every case must stand on its own merits. The same constitution could not possibly be applied to all the burghs, because electors, with the same qualifications, could not be had in all of them, unless all the exclusive privileges, which had existed for ages, should be abolished. It was said that the question did not touch on parliamentary reform. This was true, if the question was confined to the consideration of the particular case; but if, in defiance of the act of Union, it was intended to introduce a new system of election in all the burghs, it would have the same effect as a sweeping measure of parliamentary reform [Hear! from the Opposition]. The gentlemen opposite imagined there was an inconsistency in this argument; but he contended, that the power which the Crown had enjoyed before the Union, was continued to it by that act. His assertion in the last session, that the people of Scotland were satisfied with the constitution of their burghs, he would repeat. He did not mean that they were unanimous. The Scotch were not famous for unanimity, as it was always supposed that an argument was a favourite amusement with that people. But he had no doubt the majority were satisfied, though great pains had been taken to excite a ferment. In four-fifths of the burghs there had been no meetings, and in the others the meetings had taken place among those subordinate corporate bodies, who wished to have the privilege of choosing their own deacons. He was convinced there would be a general feeling of alarm, if a general change were apprehended, and should therefore oppose the motion.

Sir *James Mackintosh* said, he should not enter into the question of parliamentary reform, nor that of dry law, which was connected with the present motion, because the present was an unfit time to discuss the one, and the House of Commons was an improper tribunal to decide on the other. He thought the motion of his noble friend had been hardly dealt with, in being considered a motion subservient to parliamentary reform. It was strange that a motion, which called in question the legality of a change in any one burgh, should be viewed as leading to universal change. This seemed a paradox, which the learned lord had chosen for the purpose of displaying his ingenuity; but in supporting it he had forgotten his arguments. The learned lord had used an argument, connected with the question of parliamentary reform, which he could not help noticing. He had said, that it was strange that those who should blame the Scots burghs, did not blame the close boroughs in England. There were some close boroughs, and some in which there were rights of popular election; but in Scotland there were none of the latter description; so that, whoever supported the English constitution could not like the constitution of Scotland. In England, though the system might be, in some respects, improved, there was a variety of modes of election, which had been falsely blamed, as producing an inadequate representation; but which, on the whole, produced a representation more complete than any mode which should proceed on the basis of uniformity [Hear!]. But in Scotland there was the most perfect uniformity on an oligarchical principle. He contended, that any uniform representation was bad. Universal suffrage was, indeed, the worst of all [Hear!], if not a monstrous inconsistency with all forms of human society [Hear!]. It never existed in this country, and if it had, he should have thought its abolition the best plan of reform [Hear!]. But in Scotland there was an uniformity of the opposite kind. There was no popular election, or pretence of popular election. So that Scotland, though by the Union it enjoyed the protection of the free constitution of England, did not, in the nobler sense, participate in it. It was a gross fallacy, therefore, to compare the state of the representation in Scotland to that of England. He did not wish to speak to the dry legal question, but legal questions affecting the constitution, and particularly the rights of election, were peculiarly subjects for the consideration of that House. The question now was, whether the Crown possessed, not the power of reviving a burgh, the charter of which had been lost by intermission of elections, but whether it possessed the power of altering the constitution of it? This was a question over which great doubt hung. He did not mean to give an opinion on it. The right rested on a single case, that of Stirling, which had never been decided on in a court of law, or in parliament. In such a case it was the duty of the House to require information, and he should therefore vote for the motion.

Mr. *J. P. Grant* said, he should not give any opinion on the points of law discussed by the learned lord, but if the Crown had by law the power, in case of the suspension of the functions of a corporation by accident, which might frequently happen, would it not be proper to suggest some regulations on that subject? He thought the ministers, if they saw that such cases were likely to be frequent, would themselves be apt to come to parliament to request its opinion on such a subject. The motion only went to the production of a document, and as to he knew not what horror, which the noble lord entertained, of he knew not what plan, which was connected with the motion, it was altogether unfounded. As to the quietness of the people under the present system, he had very different information from that of the learned lord. Numerous applications had been made by the court of Session to set aside the late elections, with a view to obtain disfranchisement, or to get poll elections. As to the alteration of the constitution of the burgh of Montrose, no one complained of it as it affected the inhabitants of the burgh; but if such a power came frequently to be exercised by the Crown, it should be exercised according to some general rule. He thought the question should be brought before parliament, as he did not see how it could properly be taken cognizance of in a court of law.

Sir *R. Fergusson* supported the motion. No one who looked at the deplorable state of the representation in Scotland, could agree in the eulogies which had been pronounced on it. The people were not in a state of fermentation, but of great anxiety for a better system, of which they had a good example in the new constitution of Montrose. He then read the parting address of the late magistrates of Aberdeen, who declared their decided opinion, that a new constitution was necessary, for the sake both of the magistrates and people. This address was written by gentlemen who had been in the uniform habit of supporting his majesty's ministers. The hope of a change in the constitution of the burghs had been fostered by the commissioners at Montrose, one of whom, the sheriff of Perthshire, praised the liberal constitution which the paternal government of the country had given them, and adduced it as a proof that the ministers were willing to effect reform when reform was necessary. He hoped his majesty's ministers would act up to the liberal ideas which were thus praised by their warmest adherents.

Lord *Archibald Hamilton* rose to reply.—He observed, that the learned lord had not met the question fairly, but had justified what was now done at Montrose by what had been done at Stirling in 1781; and by the same rule, what had now been done at Montrose, would form a precedent for any similar transaction next year, in any other burgh. The question, however, still returned—whether the Crown had legally the power to alter by its own authority the constitution of a burgh—how it pleased—when it pleased—and, as often as it pleased? The question was certainly worthy of being settled, and if the Crown had any such legal power, even under circumstances similar to those of Montrose, he meant, when an alteration was requested by the burgh itself; the consequence must be fatal to the stability of the burghs even under any improvement they might receive; for, if such change might be made, the influence of the Crown was so great, throughout Scotland, that it might easily procure an application to be made for alteration in almost every one of the Scotch burghs, at such times as its ministers conceived to be convenient. The learned lord had maintained very positively that the burgesses were not liable for the debts contracted by the magistrates. He had heard the opposite opinion affirmed by legal authority, quite as good as that of the lord advocate. He did not wish now to argue that point any farther. He apprehended, however, that the declaration of the learned lord's opinion this night, would alarm the creditors of some burghs; and bring these claims and their other municipal concerns to a speedy crisis. One thing, however, he must pointedly remark; it was this, that although the learned lord had denied that the burgesses at large were liable for the debts of the burgh, he had taken care to avoid stating who were liable. Surely, the creditors were not wholly without remedy or redress. The learned lord, too, had disputed the fact of the dilapidation and ruin of the burgh funds. Here his lordship read a statement of the condition of Aberdeen, to prove the mismanagement of the burgh funds; which he said he had received from unquestionable authority: "Aberdeen had once been one of the richest corporations in Scotland; its funds were now dissipated, and its corporate managers had farther contracted a debt of 230,000*l*. They had, during a few years past, borrowed 57,000*l*. to pay the interest of their debt. The magistrates were *ex-officio* managers of the charities in the neighbourhood, and they had borrowed these funds, and thus involved these charitable institutions in the general wreck. They had taken up money of every Kirk session that would lend them. At the last election only two persons could be found to accept the office of councillors; there exists now only six, instead of nineteen, that is, four under a quorum qualified to act. The citizens have now an action before the court of session, by which they hope to disfranchise the burgh, with the view of obtaining a new set." He appealed to an hon. member present (Mr. Forbes) if this was not substantially correct. Similar facts, to a greater or less extent, might be adduced in the case of all the royal burghs in Scotland, as he could prove before a committee of the House. Well as he was acquainted with the gross abuses existing in Scotch burghs, and their general prevalence, still he had been surprised, since the time he had given notice of this motion, by the numerous representations he had received of facts new to him, offered to be substantiated by proofs, and of complaints of grievous injury, and impending ruin, all tending to establish the same point; the cruel, ruinous, and oppressive mismanagement of the burghs. The general subject, however, was not now before the House, and though he foresaw, plainly, that his present motion was to be negatived, he would take an opportunity after Easter of bringing this very questionable power of the Crown to alter the set of a burgh again, under the consideration of the House, along with a more extended view of this important subject.

Mr. *Forbes* stated, that the burgh was involved in some difficulties by the purchase of a large quantity of ground which for some years they could not let out on building leases, but even under their difficulties they were only 1,400*l.* short of the whole interest on the sum due. There were generally two sides to a question, and he believed the noble lord had only got hold of one. For the last few years the affairs of the burgh had been in a progressive state of improvement.

Mr. *W. Smith* said, that the revenues of the town of Aberdeen were 1,400*l.* short of the sum necessary to pay the interest of their debt.

Mr. *Douglas* said, that the embarrassments of the burgh were so far removed as to leave a sinking fund of 300*l.* a year after the payment of its debts.

The motion was negatived without a division.

HOUSE OF LORDS.

Monday, February, 16.

PETITION FROM PHILIP DRUMMOND COMPLAINING OF IMPRISONMENT UNDER THE HABEAS CORPUS SUSPENSION ACT.] The Earl of *Carnarvon* said, he had a petition to present to their lordships from a person who had suffered under the suspension of the Habeas Corpus act, and who stated that he had been imprisoned without any cause. If the forms of the house would permit it, he should wish to move, without loss of time, that the petition be referred to the Secret Committee: but as notice of the motion must be given, that would occasion delay, and the report of the committee might perhaps be made to-morrow.

The Earl of *Liverpool* said, the report would not, perhaps, be made for a day or two. The noble earl might, therefore, move, that the petition be received to-day and give notice of his motion for the earliest convenient day.

Lord *Holland* said, it was important that petitions of this kind should be sent to the committee, and he could see no objection to their being immediately referred thereto.

The clerk carried the petition to the lord chancellor, by whom it was found to want the word "humble."

The Earl of *Carnarvon* said, he had read the petition, and could assure their lordships that it was decorously worded. The omission of the word "humble," he hoped would not be considered of such consequence as to prevent its being received.

Lord *Holland* begged their lordships to consider, that as this was a petition from a person who complained of nothing less than illegal confinement, it was one which they ought not to reject on the ground of any trivial informality.

The Earl of *Liverpool* thought it would be proper to have the petition altered, as he understood it was not the custom of the House to receive petitions so worded.

The Marquis of *Lansdown* thought, that where there appeared no intention to treat the House with disrespect, there could be no reason for rejecting a petition. When such complaints as that now offered were made, their lordships ought to throw wide their doors for the reception of such petitions.

The *Lord Chancellor* said, it was quite contrary to their lordships practice to receive petitions so worded.

Lord *Holland* asked, whether the learned lord meant to go the length of saying, that no petition in which the word "humble" had been omitted had been received by the House?

The *Lord Chancellor* had by no means pledged himself to any such thing. It certainly was not the practice to receive petitions with the omission which occurred in the present case.

Lord *King* said, that as this was a petition purporting to come from an injured individual, every facility ought to be afforded to the complaint. The objection related only to one word, and that a word of omission. It would therefore be highly improper to refuse it, especially as the noble earl meant to move, that it be referred to the Secret Committee, for which there might not be time, if an alteration in the petition was insisted on, as it would be necessary to send it to Manchester.

The Earl of *Carnarvon* hoped that there would be time for the motion he intended to make, before the Secret Committee reported to the House. If there should be time for altering the petition, he would get it done before he made the motion for referring it to the committee. In the mean time, he moved that the petition be read.

The petition was then read. It purported to be the petition of Samuel Drummond of Manchester, reedmaker, and set forth, that the petitioner had been present at a meeting in March last, called for the purpose of petitioning the Prince Regent to withhold his assent from the bill for suspending the Habeas Corpus act. The petitioner was addressing the persons assembled for this purpose, when a troop of horse came among them to break up the meeting. It could be proved that there never was a more peaceable and regular meeting in Manchester than that which had thus been disturbed, until it was broken in upon by those riotous, not to say drunken, soldiers. The petitioner was arrested and conveyed to the Old Bailey prison in Manchester, where he was allowed only four ounces of bread and one ounce of cheese for the day. He applied for other food, and offered to pay for it himself, but was not permitted. He was sent off to London without being allowed any time for preparation. Mr. Silvester, hearing of his distressed situation, sent him some things which would have been useful to him, but he was not allowed to receive them. When sent off he was chained by the leg to another prisoner, by a chain of not less than 30lb. weight. He arrived in London on the 15th of March, and was conveyed to the House of Correction in Cold Bath-fields. He was afterwards carried before lord Sidmouth. When before his lordship, he stated openly what he had done, and called upon the noble lord to bring forward his accusers. He was told he should have a fair trial, and was remanded. On the 28th of April he was removed to Dorchester gaol, and afterwards to Exeter. In the month of December he was set at liberty on entering into recognizance to appear in the Court of King's Bench on the first day of term, and every subsequent day, until he was discharged. He accordingly came to London, and in compliance with the conditions of his recognizance, attended the court of King's-bench, until he was, with others, finally discharged on the 31st of January. While he remained in London he was obliged to contract debts, and he had been furnished with no means of defraying the expense he had been put to, or of enabling him to return home, by his majesty's ministers, though it was by their order he had been illegally arrested and obliged to undergo all these hardships. He had solicited an interview with lord Sidmouth before he left town, intending to represent his case to him, but the noble lord would not see him. The petition concluded with urging on the consideration of the House the sufferings of the petitioner, and his loss by the debts he had been obliged to contract, and prayed that their lordships would not consent to any bill of indemnity which might be proposed for ministers.

The Earl of Carnarvon then gave notice that he should on Thursday move that the above petition be referred to the Secret Committee.

HOUSE OF COMMONS.

Monday, February 16.

PETITION OF OWNERS OF COTTON MILLS FOR A SPECIAL COMMISSION TO INQUIRE INTO THE STATE THEREOF.] Lord Stanley presented a Petition from the Owners and Occupiers of Cotton Mills in Manchester and the vicinity, setting forth,

"That the Petitioners have heard with concern that it is intended to move in the House the revival of the committee whose labours extended over so large a portion of the session of 1816, in inquiring into the condition of children employed in factories; that the minutes of the evidence taken before that committee are very voluminous, and contain a mass of vague and inconsistent charges, which it is impossible to distinguish from the truth without much laborious application or personal inspection of the factories; that the minutes contain also statements of facts confirmed by documents which, as the petitioners humbly conceive, establish beyond doubt the generally good state of the health, morals, and instruction of persons employed in factories, and that parliamentary interference for their protection is wholly unnecessary; that the petitioners, anxious that the truth should appear, did invite, previous to the session of 1816, such members of the House as are connected with the county of Lancaster to visit the several factories in the town and neighbourhood of Manchester, that they might, from actual inspection and comparison, form their own opinion, and be better prepared to appretiate the testimony which might be offered; and the petitioners humbly pray, that if the House require farther information upon the subject, they will be pleased to appoint a special commission of their own members, for the purpose of examining upon the spot into the actual condition of persons employed in factories, and of comparing it with that of persons employed in the various departments of the cotton and other manufactories."

Mr. *Philips* observed, that the petitioners conceived themselves to have been grossly calumniated by statements which had been made by different persons, regarding the labour and the health of persons employed by them, and by propositions to interfere with them in the conduct of their own business. He was convinced that if members would read the report attentively, they would find that in the manufactories those employed were in as good health at least, as those in any other branch.

PETITION OF JOHN BAGGULEY COMPLAINING OF THE OPERATION OF THE HABEAS CORPUS SUSPENSION ACT.] Mr. Bennet presented a Petition from John Bagguley of Manchester; setting forth,

"That the Petitioner was on the 10th of last March, while addressing a peaceable meeting, legally called for the purpose of petitioning his royal highness the Prince Regent to withhold his royal assent from the Habeas Corpus Suspension bill, suddenly surprised by a body of military, who without any the least cause rode through the people, trampled upon and treated them in the most inhuman manner, and after the petitioner had been repeatedly struck by the military, he was conveyed to the New Bailey, Manchester, where he remained until the following day, when he was informed he must go to London; the petitioner was then chained to the leg of another prisoner, and conveyed to Cold Bath fields prison, where he remained until the 15th of March, on which day he was ordered to appear before the honourable privy council, when he was informed by lord Sidmouth he must be committed to prison on suspicion of high treason; the petitioner was then removed to Horsemonger gaol, Surrey, where he was put in irons and locked up in his room until the 10th of April, on which day an order was received that he must be removed to the county gaol of Gloucester; on his arrival he was compelled to enter a cistern of cold water, which caused a severe sickness, insomuch that the physician ordered him to be removed into the hospital; during his illness he requested Mr. Baker, one of the visiting magistrates, to allow some person to remain in the room, as he was unable to help himself, but was informed by that gentleman, that lord Sidmouth's orders specified that the petitioner must be kept alone, and that no person must see or converse with him but the keeper and magistrates; after the recovery of the petitioner he was ordered back to his former apartment; during the first four months of the petitioner's confinement in this prison he was not allowed to speak with any person, no, not even a common felon, and when the door of his room was unlocked, which was four hours every day, the petitioner no sooner left the room to take the benefit of the air, than the keeper always locked the door, thereby preventing the petitioner from returning to his room, so that he was repeatedly forced to endure the inclemency of the weather; on the 6th of August 1817, an order was sent by lord Sidmouth that the petitioner must be allowed the company of another prisoner four hours each day; in the month of October another order was received, that the petitioner might walk in the prison yard when ever he thought proper: on the 13th of November a king's messenger came into the room of the petitioner and informed him that, in consequence of a petition sent by his father to the honourable privy council, the petitioner would be permitted to visit his mother at Manchester, who at that time lay upon her death-bed, and is since dead; on his arrival in Manchester he was confined in the New Bailey two nights and one day, at the expiration of which he was removed to Lancaster Castle; on the arrival of the petitioner in that prison he was informed by the worthy governor, that he had received orders from lord Sidmouth to keep the petitioner in close and solitary confinement; the petitioner was then conveyed to his destined abode, which was a flagged cell four yards square, the window of which was boarded up in the form of a prison shutter: the petitioner was allowed to walk two hours each day on a terrace which surrounds the keeper's house; after he had been confined three weeks in this cell he was discharged, on entering into his own recognizances in the sum of one hundred pounds, to appear in his majesty's court of King's-bench, Westminster, on the first day of the present term, and so from day to day, the petitioner has accordingly travelled to London, in order to answer to such recognizances, and has appeared day by day until the 31st of January, on which day his recognizances were discharged; the petitioner having endured all this unjust imprisonment, at the end of which he was compelled to enter into recognizances, in order to evade future imprisonment; it is likewise the humble but firm belief of the petitioner, that the treatment which he received in the prisons of Horsemonger and Gloucester was wanton and cruel, and he prays that the House will procure copies of orders sent by lord Sidmouth to Mr. Walters, the governor of Horsemonger gaol, Surrey, and to Thomas Cunningham, the governor of the county gaol of Gloucester; and if such orders do not warrant the treatment which the petitioner received, that the said governors, particularly the latter may be by due course of law called upon to answer for their conduct; and the petitioner further prays, that the House will afford him such redress as it may of its wisdom think fit; but, above all, the petitioner most humbly and most fervently prays, that no bill of indemnity may be suffered to pass, but that his majesty's ministers may be called to an account for the cruel wrongs which they have inflicted upon his majesty's loyal and peaceable subjects."

Ordered to lie on the table.

HOUSE OF COMMONS.

Tuesday, February 17.

Motion respecting the Assizes in the Northern Counties.] Mr. *M. A. Taylor* rose to call the attention of the House to a subject which was of great importance to the country. He wished particularly that his majesty's ministers would attend to the statement he was about to make, as it was impossible, if a moment's consideration were given to the subject, that there could be more than one feeling as to the necessity of some remedy being applied to the very great evil complained of, as he could not suppose that any member would say that the four northern counties ought to be excluded from the ordinary administration of justice. Every member of the House knew, that throughout the three kingdoms, with the exception of the counties of Cumberland, Northumberland, Durham, and the town and county of Newcastle-upon-Tyne, there were regular gaol deliveries twice a year, as courts of assize and sittings at Nisi Prius were held twice a year in the different counties, with the exception of those mentioned. Bristol, he believed, was the only exception, but he hoped such regulations would be adopted as would give that city also the same enjoyment of the laws as the other parts of the country possessed. Why those counties were deprived of the privileges enjoyed by the rest of the country, he was at a loss to determine. Those counties were as rich, as well peopled, and as deserving of protection as any other part of the kingdom. Would it be said that though those counties were as fully peopled as any others, yet they were less addicted to crime than the other inhabitants of the country? He feared that such a reason as that could not be assigned, for their being deprived of the protection enjoyed by the other parts of the country. It was well known that in the northern counties many persons had been in prison for the last three months, to take their trial, not at the next spring, but at the next summer assizes. Thus a number of persons were to be confined from nine to eleven months before their guilt or innocence could be ascertained. He hoped that the House would adopt such measures as would prevent his majesty's subjects from being in future subject to so very great a hardship as that of remaining so long a time in prison before they were brought to trial. It was true, that in questions which arose out of the navigation, the venue might be changed to London. But in cases where, for instance, a landlord had occasion to eject a tenant, if any objection were taken to the judgment of the court, and a new trial was granted, two years at least would elapse before the question could be decided. He recollected that when he was practising at the bar, many cases in these counties were left, which were called remanents. It might be argued against him, that if the grievances which he mentioned were felt in those counties, the suffering parties would have complained of them. But he would ask, from whom the complaints were expected to come? The grand juries of those counties, who were perhaps anxious to return to their homes, might not be aware of the grievances under which the prisoners laboured. If the persons confined were even roused to a sense of their sufferings as to petition the secretary of state for the home department, he would refer them to the legal remedies to be had in their counties. If they were to petition the House of Commons, their petitions might lie on the table, unless the matter were to be taken up by some person of consequence in that House. The evil of delay had been for some time felt on petitions to the Lords. It had been severely felt on the decisions of the high court of chancery, and yet those evils were allowed to exist for years, though the suffering parties loudly complained of them, and they would perhaps have existed up to the present moment if the matter had not been taken up by some particular members, by whose interference the evil was in a great measure removed.—He did not wish to take up the time of the House for a single moment more than was necessary to the objects he had in view, but he hoped for their indulgence while he brought the case fairly before them, as he was confident that it only needed that the grievance should be fully known to have it redressed. The question of what would be an effectual remedy, was, perhaps one of some difficulty, but he would lay before the House what he conceived would be a remedy and leave them to decide whether it ought or ought not to be adopted. Though the population of these kingdoms was double the population in the reign of queen Elizabeth, and though the property of the country was more than fourfold what it was then, yet there was no farther provision made for the distribution of justice at present than there was at that period. There were twelve judges then, and at present there were no more. No provision had been made for the increase of population, and consequently none for the increase of crime. Though millions were squandered away on trifles, the substantial parts of the constitution were left unprovided for. It seemed as if there was some particular charm in having precisely twelve judges, and no more. But whatever that charm might be, it had not the power of relieving the grievances of which the northern counties had to complain. In the courts of London and Westminster, there were annually five hundred causes to be tried at the sittings after term, and yet there was only one judge to sit at Nisi Prius in each court; though business had increased nearly tenfold, the same number of judges were left to get through that business as were formerly appointed when they had comparatively little to do. Within his memory the Old Bailey sessions used to terminate in four or five days from their commencement. But now those sessions lasted nearly a fortnight, and when it happened that the judges were unable to attend those sessions, the recorder and common serjeant found it at times impossible to get through the business without the assistance of the chairman of Clerkenwell sessions. From this it plainly appeared, that it was necessary to make some provision for the very great increase of business both in London and the country. It was true that the Crown could, by its prerogative, issue commissions of oyer and terminer and general gaol deliveries, but it was different with respect to the courts of assize and Nisi Prius; in such cases it was necessary to apply to parliament, and such was the nature of his application. An application, such as he intended to make, could not originate in the other House, as it being a Money bill the House of Commons only had a right to sanction it first. It had been suggested to him, that if another court were established in Westminster-hall, with power to decide on criminal as well as civil cases, in the same manner that the King's-bench did at present, it would be a great assistance to the distribution of justice in the country. But he thought that such an establishment would be too expensive to the country, as it would be necessary to add such a number of officers and attendants to it. The plan which he intended to propose to the House would, he conceived, be much more desirable: at the same time he wished it to be understood, that whatever faults were found in it, were wholly to be attributed to him, as it was one of his own invention. The hon. gentleman then proposed his plan to the House, which he said, had not been suggested to him by any discontented lawyer, as had been before objected, but which originated with himself after the most mature consideration. There was, he observed, an officer belonging to the court of exchequer, who might be made a most useful person to promote one of the objects he had in view. This officer was the cursitor baron. It was a situation usually given to persons who had retired from legal or judicial situations abroad, and was almost always filled by men of talent. He was sure, however, that the present cursitor baron (Maseres) was eminent for his learning and ability [Hear!]. He thought that a great practical good would result from bringing him forward in situations where the judges were at present obliged to attend, though with considerable inconvenience, and with delay to the causes which came before them in another place. He would, for instance, suggest the propriety of having the cursitor baron attend at the Old-bailey, and take his roaster in going the circuit. The present cursitor baron had once filled the situation of deputy recorder of London, which he held for a year, and was therefore well calculated, from his experience to the discharge of such a duty as that which he proposed. At present the duty of the cursitor baron was little more than to receive the sheriff's when they came down, and to examine their accounts. He thought that if this officer were invested with the power of a judge, not to sit in Bank, but to preside at the Old-bailey and go the circuit, it would most materially contribute to the prompt administration of justice, and would at the same time be attended with very little additional expense. The salary of the cursitor baron was, he believed, at present 1,000*l.* a-year, which, if raised to the usual salary given to the puisne judges, would not be considered as a great expense, when the advantages to result from it were taken into consideration. It often happened that judges who went the northern circuit had perhaps to attend the Old Bailey on their return, and he need not state to the House that from the great distances they had to travel, they were put to great labour and fatigue, in order to be able to return in time. If his plan were adopted, the judges who went the northern circuit would not be put to that inconvenience. He would also propose, that an officer similar to the cursitor baron should be attached to the court of King's-bench, with power save that of sitting in Bank, to that of the other judges; that his duty should be to take bail, sit at Nisi Prius, attend at the Old-bailey, and go the circuit, and also to hear cases of Nisi Prius in term. For it was well known, that the regular business of the term was often considerably retarded in consequence of the necessity of the chief justice attending to try Nisi Prius causes. He was certain that no person could pay more attention to the business of the court, or dispatch it with more rapidity than the present learned lord who presided in the court of King's-bench; but so great was the business in that court, that he conceived it impossible for any person, however indefatigable, to go through it in proper time. Indeed, so impressed were the judges of the truth of this, that they gave up a great portion of their time to the hearing of motions and the arguing of cases at Serjeant's inn, before the terms commenced. If his plan should be adopted by the House, a great deal of this inconvenience would be got rid of. The two officers he had mentioned would be able to take a considerable portion of the trouble on themselves, and would in turn relieve the judges from the labours of the circuits. The expense, he should again press upon the House, would be trifling, when compared with the important advantages which would result from it. When it was recollected that many persons who were under the present system confined nine or ten months in the gaols of the northern counties, upon charges of which they were afterwards acquitted, and for which, even if they had been found guilty, the law would not sentence them to so long an imprisonment, would, by the adoption of his plan, be subjected to a much shorter imprisonment before their trial; he was convinced that the additional expense to the country would be but a minor consideration. He had known many instances of persons being confined nine or ten months on very trifling charges, who would have been sent back to their families at an early period if there had been two assizes in the course of the year instead of one. One man he had known indicted for stealing a game cock, who was closely confined for nine months, and when he was at length brought to trial, there was not a shadow of evidence to prove his guilt. He conceived that circumstances of this kind were evils for which the legislature was answerable, if it did not provide some immediate remedy. The one he proposed, he thought would be found efficient; but he did not mean positively to press that, if any other was suggested, which might answer the purpose as well. It was to him a matter of indifference whether there were five judges or four on the bench, provided the administration was prompt. But as the evil existed, he thought it would be too much to refuse the remedy. It might, perhaps, be said, that the remedy he had proposed would be thought too expensive on the counties; but he did not think it would be found that any such objection would be made by the counties themselves. The several noblemen and persons of distinction in the counties would not feel any objection to entertain the judges twice a year, instead of once. The bishop of Durham was known to keep a most hospitable table, and he was convinced that his lordship would feel no objection to entertain the judges when they came down. He was certain, that if he held the same situation which the worthy bishop did, he should have no objection to entertain the judges four times a year instead of twice [A laugh]. The hon. gentleman concluded with moving,

"That an humble Address be presented to his royal highness the Prince Regent, praying that he will be graciously pleased to issue his commission of Oyer and Terminer and General Gaol Delivery for the counties of Westmorland, Cumberland, Durham, and Northumberland, and the town and county of Newcastle-upon-Tyne, twice in every year, and also his commission of Assize and Nisus Prius; and to assure his Royal Highness that this House will make good any expense attending the same."

The *Attorney General* said, he would not enter into a discussion of all the matters which the hon. gentleman had introduced, but he did expect, that when the hon. gentleman had brought the subject before the House, he would have been prepared with some specific plan to remedy the evil of which he had complained. He was not, however, prepared, even if the hon. gentleman had proposed such a remedy, to enter upon it, without that mature deliberation which such a subject required. He objected to the motion, because he thought it brought forward too suddenly alterations which required the most serious consideration before they were made, and because the hon. mover had shown no grounds to prove that any emergency existed which would render the proposed alteration immediately necessary. He admitted, with the hon. mover, that the Crown had the power of issuing special commissions, but he confessed he was not aware of any particular circumstances which rendered their being issued on the present occasion necessary. It might be important to inquire what legislative measures should hereafter be adopted on the subject. But as the motion then before the House went suddenly to alter a long established mode of administering justice, and that too without any sufficient cause being adduced, he thought it his duty to move the previous question.

Sir C. *Monck* expressed his surprise at the opposition of the hon. and learned gentleman to the motion of his hon. friend. He had expected that an amended motion, rather than the previous question, would have been submitted. The address was proposed on the ground of a notorious defect in our judicial system; and whilst he admitted that the administration of justice was pure, he wished also to see it prompt in every part of the country. A prompt administration was of the essence of justice, for delay might render its decisions useless, whatever were their wisdom or integrity. The northern counties, whilst they contributed equally to the burthens, laboured under various disadvantages; but the one now under consideration was peculiarly grievous. They were not at a greater distance from the seat of government than Cornwall, where the assizes were held twice a-year. It might be said, that they were held but once at Bristol; but at Bristol, a man committed for any offence might remove himself, if he thought fit, to the county gaol, and by this means accelerate his trial. With regard to the proposed measure being a great departure from the ordinary course of justice, and from the present constitution of the courts, he could see it in no such light, though he should perhaps have preferred to see it brought forward in a more simple form. He could not imagine any solid objection to the direct and immediate extension of the Spring assizes to the four northern counties. The difficulty and expense would be nothing, when weighed against the interests and the rights of their fellow-subjects. If the sum of 400,000*l.* had been given away to Spain (a measure which he was happy to think he had voted against), for the suppression of the slave-trade at the expiration of two years, surely the sacrifice of a few thousands a year could not be considered excessive, when the object was, to communicate to the four northern counties that prompt and frequent distribution of justice which was enjoyed by every other! A thousand inconveniences arose out of the present defective system, not only from the delay of justice, but from the absence and death of witnesses. Every British subject was entitled by Magna Charta to the most prompt decision of his case which could be devised by the wisdom of the legislature. "Nulli negabimus, nulli differemus justitiam," was the language of that fundamental statute, and he would beg the House to reflect how far the mode of administering justice in the northern counties was consistent with the principle of the "nulli differemus justitiam." He was sure that if the House consented to put the previous question on a subject of such importance, they would be guilty of a gross dereliction of duty.

Lord *Castlereagh* thought, that the House were not prepared to enter into such a subject. He was persuaded they could not see their way so far as to venture to address the Crown upon an alteration which would render necessary a very extensive change in the constitution of the courts of Westminster-hall. Unless, indeed, there were an addition, if not of actual judges, at least of temporary ones, to act, as substitutes, the alteration could not be completed. The hon. gentleman had opened to the House a method by which the change might be effected, without making any great derangement of the present state of things; but he was quite unable to go along with him in the whole of his reasoning; and the House, he was sure, would feel it quite impossible to adopt the general proposition, which tended to make so material an alteration in the whole system of Westminster-hall. He apprehended, indeed, that the hon. gentleman had acquitted himself of much of his duty by calling the attention of the House to the question. He did not mean to dissent from the proposition, that it was proper that some alteration should be made. He did not mean to imply that it was not desirous that there should be an administration of justice in the parts which the hon. gentleman had mentioned, twice a year instead of once; but he thought that, instead of the motion he had made, if he had moved for an inquiry, it might have been preferable. There had been one, not long ago, into the administration of justice in Wales; and if the hon. member had brought his motion forward in that way, he should have had no objection to it; but in the manner in which he had brought it forward, he had jumped to his conclusion at the very outset, and had not presented his arrangements to the House in any other manner than by the very clear statement which he had made. As to the previous question, by adopting that mode on the present motion, they were not neglecting the question, but merely declaring that it was not then to be put; and as the House had not made their minds up, he thought that mode the most advisable.

Mr. *M. A. Taylor* said, he had brought forward his motion merely for the purpose of having the matter considered. He had thought it his duty to bring the question before the House, and it had struck him that the way in which he had done it was the best in which it could be discussed. He was sure the House could and would entertain it. It was of no consequence to him in what manner it was done, provided its object was effected; and therefore, with the leave of the House, he would withdraw his motion, He only wished to impress the House with the necessity there was of having something done on the subject.

Mr. *Brougham* agreed entirely with his hon. friend. The irresistible case which he had made out in favour of pure justice was such as could not but carry its object. He was extremely glad to find that there was no objection made to it, but with regard to the proper mode of proceeding. He could not help strongly urging on his hon. friend the necessity of a motion for an inquiry.

Mr. *W. Smith* agreed intirely with the motion of the hon. gentleman. He had received a letter, indeed, which convinced him that some alterations in the administration of justice was absolutely necessary in the north of England.

Mr. *Warre* congratulated the House that an inquiry would shortly take place. The machinery for the desired alteration was already in existence.

Sir *M. W. Ridley* said, that he had always been impressed with the expediency of having the assizes in the northern counties twice in the year, and thanked his hon. friend for the motion he had submitted to the House.

Mr. *Wynn*, although he felt that some measure was necessary, yet was glad that his hon. friend was about to withdraw his motion, to which he could not have consented, considering the near approach of the spring assizes, and that no person who had a suit would be sufficiently aware of the new arrangement.

Mr. Taylor then withdrew his motion, and gave notice that he would to-morrow move for a committee of inquiry.

PETITIONS OF JAMES LEACH, AND BENJAMIN SCHOLES COMPLAINING OF THE OPERATION OF THE HABEAS CORPUS SUSPENSION ACT.] Sir Francis Burdett presented a Petition from James Leach, flannel weaver, of Broadoth-lane, near Rochdale, in the county of Lancaster, setting forth;

"That the Petitioner was arrested on the 28th of March 1817, under the suspension of the Habeas Corpus act, at the Georgius-tavern, Hardwick, in the town of Manchester, along with some other men who were entire strangers to the petitioner, by the police officers, and escorted to that prison by a troop of dragoon guards, and put into a cold damp cell flagged with stone, without victuals, for that night; the only furniture it contained was an old bed of straw swarming with vermin; the petitioner remained in that situation for ten days; his victuals, which consisted of bread and cheese, were given him through the iron bars which served him for a window, and his cell door was seldom suffered to be unlocked; on the evening of the 7th of April, the petitioner was ordered out of bed about nine o'clock, and taken into the court with about ten others, and, after their names were called over, justice Heys, said a king's messenger was just arrived for the petitioner and two others, William Kent and George Plant, with warrants from lord Sidmouth to take them to London, to be examined before the secretary of state for the home department, and he wished them to prepare themselves for what they were likely to meet, for he could assure them they stood charged with high treason, and with having under their protection men and arms to wage war against his majesty and his liege subjects; the king's messenger then showed his authority, and ordered to take them off by the first coach; they were then taken back into the prison, and the petitioner was put alone into the felons day-house; in vain he begged to retire to his cell, but the cold flags served him for his bed that night, resting his head upon bars of iron; about five o'clock the next morning, the petitioner was fetched out of this cold and dismal place and heavy ironed on both legs, Kent on one side and Plant on the other; finding that one of his bazels held him too close, he begged of the deputy constable to change it for another, observing that he should not be able to bear it to London; but, damning the proud limbs of the petitioner, he said if he would not behave well with what he had already got, he would furnish him with an iron collar for his neck; they then stepped into the coach for London, and they arrived at Bow-street office about twelve o'clock on the 9th, and after having their irons taken off, and a little refreshment, they were conducted to the secretary of state's office for the home department, and underwent a short examination before lord Sidmouth and other privy counsellors, charging the petitioner with high treason, but did not say what it consisted in; he was then taken to the Brown Bear public-house, and the day following to Cold Bath-fields prison; on Tuesday the 15th, the petitioner was again brought up for examination, and likewise on Tuesday the 22nd, and likewise on Tuesday the 29th; on this his fourth examination before lord Sidmouth, his lordship said he was regularly receiving information against the petitioner, and from such a respectable source that authorized him to commit the petitioner to close confinement till liberated by due course of law, and if he had any thing to say why he should not be committed, he was then at liberty; at which the petitioner said, he had arrived at the age of a young man, and had never violated the law, and whatever his lordship's information was that gave him that authority, it was incorrect; his lordship then added, that the petitioner was committed, and at some future day he should be brought to trial, for which he should have timely notice, with a list of the evidence against him; the petitioner was then taken back to Cold Bath-fields to his former situation: on Thursday the 1st of May, he was removed to Chelmsford gaol, in the county of Essex, conducted by a king's messenger and a turnkey, handcuffed to one Flitcroft, from Stockport; while the petitioner remained in that prison, he was never suffered to sleep with his clothes in the same cell, they were taken away from him every night and returned every morning; his bed was purely searched every morning, and when he attended divine worship in the prison often overturned; that, on the 14th of November, he was taken before a bench of magistrates to enter into recognizances which bound him in one hundred pounds to appear in the court of King's-bench on the first day of the next term, and day by day, and not to depart the court without leave; and the petitioner returned home to his distressed parents, who, by the fatal consequences of his imprisonment, had not reduced them to beggary only, but brought them near to the grave; on the 21st of January, he received a letter signed by John Entwisle, esq. one of his majesty's justices of peace, stating that he was desired by lord Sidmouth to acquaint him, that as nothing had appeared against him in his conduct since his discharge, his appearance in the court of King's-bench on the first day of next term, pursuant to his recognizance, would be dispensed with, and his lordship hoped that his future conduct would never render it necessary to call him into a court of justice; the petitioner can assure the House that he never was guilty of any such treason, or any breach of the law, that it was always his principal motive in promoting peace and quietness; therefore, as an object truly deserving compassion, after eight months of unjust imprisonment, with his health impaired, with an injured character, out of employment, and in a state of starvation, the petitioner most humbly implores and petitions the House to take his case under their most serious consideration, and for such redress as in their wisdom they can grant him."

Mr. *Brougham* said, he had to beg the attention of the House to a petition from another of those unfortunate men who had been the victims of proceedings directed by the secretary of state, armed with the powers given him by the suspension of the Habeas Corpus act; and he entreated gentlemen would do him the favour to listen to the statements which that petition contained, and they would then be aware of its importance, and be disposed perhaps to investigate it. The petition was from one Benjamin Scholes, of Wakefield, where he had resided till July last. He was a victualler and alehouse-keeper, by which business he had supported himself and his family with comfort. In July, however, he had been apprehended by a warrant from lord Sidmouth, thrown into prison, and notwithstanding the prison of Wakefield was well secured, and well regulated, he had been conveyed to the castle of Cambridge. There he had been detained till January, in which month he had been set at liberty without any more cause for his liberation than had been stated for his detention. In consequence of his imprisonment, he had been ruined, his house and business broken up, and himself materially injured in his health. The learned gentleman said, he had in his possession a certificate from a respectable member of the college of surgeons who had attended him, which declared, that the confinement which the petitioner had endured had caused the illness under which he had laboured. His health was broken, and he was ruined in circumstances; and he had now to state to the House the sole reason of those proceedings which he had been able to discover. A charge had been laid against him by two persons of the names of Oliver and Bradley, for having been concerned in meetings held in his own house for seditious purposes. The particulars of that transaction he should relate to the House. Scholes first became acquainted with Oliver through the introduction of a person of the name of Mitchell, who was travelling about Yorkshire, as others had done in various parts of the country, pretending to come from societies in London, and making use of the names of the hon. baronet the member for Westminster, as well as that of his noble colleague. In the course of their proceedings, Oliver was very constant in instigating Scholes to go farther. Oliver said it was in vain to petition, petitioning was of no use; that they must have recourse to physical force. Scholes in consequence had some suspicions of the man, and his answer was, that he threatened to lay an information against him before the magistrates. Then came Oliver's plans; for he being threatened with exposure, no sooner found himself in danger of an information which could be supported by good evidence, than, with his associates, he wrote circular letters to call a meeting at the house of the petitioner. Scholes denied that such a meeting had ever been held at his house. He thought that other circumstances might throw much light upon that fact. Indeed, he believed that an hon. friend of his had found means to obtain some information on that point; that he had discovered Oliver himself complaining to others of the slackness of Scholes, and of his refusing to allow meetings to be held in his house. The petitioner denied that he ever had been present at any such meeting in his life. Indeed, he stated, that he never had any knowledge of any, but one, for promoting the cause of constitutional reform, which had ended in a petition that had been presented and received by that House. Inquiries had been made, and the result of those inquiries had been in every way favourable to the petitioner's character. The first reason that he had for believing Scholes to be a person of good character was, that he had at different periods filled offices of considerable respectability. He had been employed as deputy-constable in the neighbourhood of Wakefield at a period of disturbance, and, principally by his exertions as deputy-constable, the peace had been so well preserved, that the provisions of the watch and ward act, then in force, were almost directly ceased to be applied. In consequence of the vigilance which he manifested, his services were received with unanimous approbation, and he believed with the thanks of the magistracy under whom he had acted. He had also received the thanks of the deputy-lieutenant. In addition to that, he might state, and to some persons in the House it might be a considerable improvement of his former character, that the petitioner had been upwards of three years a collector of assessed taxes. These things, he trusted would not be forgotten; for he had had means of communication with most respectable persons, and from them he was informed that Scholes had for many years fulfilled the duties imposed on him with the greatest propriety. He had had communications on the subject with the noble lord the member for Yorkshire, who was well acquainted with him, as well as the venerable personage to whom he was related; and he might read one or two letters which would inform them what was the character of the petitioner. [The hon. and learned gentleman then read an extract from a letter which ran nearly thus—"I have taken some pains to inquire into Scholes's case, as I was at first prepossessed with an unfavourable opinion of him. But I am now thoroughly convinced that he has been most unfairly dealt with, and that he has had no more connexion with any illegal or seditious designs than Mr. Wilberforce or the most innocent man in the kingdom; and I have no doubt that this will most evidently appear, if a full and fair investigation can be had of his case."] The suspicions of the man's character which appeared to have been entertained, were the consequences of all such cases. The moment it was heard that a man had been apprehended on a charge of high treason, or of any thing seditious, he was instantly suspected of being a very bad character. The hon. member for Bramber would see that his name had only been introduced as the most striking person of the kind that was suggested to the writer. It was singular, that after all he had endured, the petitioner asked but for the property which had belonged to himself and others to be restored to him. He called for nothing to be done to those by whom he had suffered; he invoked no vengeance upon their heads; he demanded no justice; but he trusted that would not be held as any argument for their turning a deaf ear to what was laid before them; he hoped that they would no longer have evidence so repeatedly proffered, without allowing those who were supposed to possess it to adduce their proofs.

The petition was then read. It purported to be the Petition of Benjamin Scholes, of Wakefield, and late a prisoner under the suspension of the Habeas Corpus act; and sat forth,

"That on the 2d of July 1817, the Petitioner was taken from Wakefield by a king's messenger, and carried before the secretary of state for the home department, and others, by whom he was committed to Cambridge castle, where he remained in close confinement until the 1st of January 1818; that in consequence of the arrest and detention of the petitioner, his home has been broken up, his business totally lost, and himself at the age of forty is thrown into the world to seek for a livelihood as if he had now to begin life anew; that on the 3d of January, after his liberation, the petitioner was taken ill, so that he has never since been able to do any thing towards the procuring of a livelihood, and that his disorder has entirely been the consequence of his confinement, as a certificate of the surgeon will testify; that thus injured in health and ruined in business, the petitioner is destitute of the means of supporting himself in the same comfortable and honourable manner which he did previous to the time when he was taken from his home, and he trusts most undeservedly immured in prison; that the petitioner has been informed that his arrest and confinement have had their origin in the information of a person of the name of Oliver, and another of the name of Bradley, who had falsely informed the honourable the privy council, that the petitioner had taken part in several meetings of persons calling themselves delegates who harboured treasonable designs against the existing government; but the petitioner can prove that a person of the name of Mitchell, who had been travelling through the country on a pretence of encouraging constitutional parliamentary reform, first introduced Oliver to the petitioner under the appellation of a delegate from the friends of parliamentary reform in London, and as the particular friend of sir Francis Burdett and lord Cochrane; that the said Oliver strongly solicited the petitioner to become an agent for the sale of the Black Dwarf and other similar publications, which the petitioner positively refused; that the said Oliver first talked to the petitioner of resorting to physical force to obtain reform, as petitioning had proved of no avail; but on hearing such language from him the petitioner threatened to lay an information against him before the magistrates, renounced his acquaintance, and desired that he might never see his face again; that the said Oliver and Mitchell, without any knowledge of the petitioner, did write circular letters to call a meeting of persons from different parts of the kingdom, to be held at the house of the petitioner; but as soon as he heard that a meeting was about to be held at his house for political purposes, the petitioner interfered and discharged them from assembling there; nor, notwithstanding the numerous statements professedly official to the contrary, has any meeting of delegates for secret political purposes, been held there at that or at any other time since the petitioner has kept the said House; and that the petitioner never had any political connexion with any man living in any unlawful purposes, nor ever attended any political meeting but one, regularly called to consider of a petition for parliamentary reform, which petition was afterwards presented and accepted by the House; that the petitioner can refer with confidence to his past conduct as a full and satisfactory proof of the loyalty and uprightness of his principles; that the petitioner for three years, during which period the mischievous Ludding system was at its utmost height, held the situation of deputy constable of the populous townships of Stanley cum Wrenthorpe, near Wakefield, in which situation his exertions were such, that that district was altogether exempted from the provisions of the watch and ward act, though that act was put in force in all the neighbouring villages by the deputy lieutenants, whose thanks the petitioner received for his active and useful exertions; that during the time the petitioner held the above office all depredations were by him prevented through the precincts of those extensive and populous townships; that the petitioner also held for three years the situation of collector of assessed taxes throughout the same townships, during which period he was honoured with the warm commendation of the receiver-general for his diligence and punctuality in that office; the petitioner therefore humbly prays the House to take the above statements and the present situation of the petitioner into their kind consideration, and that the House will grant him such redress as in their mercy and clemency they may deem expedient and proper; and that the House will interpose their good offices with the right hon. secretary of state, that he may have the goodness to return to the petitioner the papers and old memorandum-book taken from him, which are the property of a poor widow, and furnish the only evidence she has of a debt of 17*l.*, and her only security for its recovery."

The petitions were ordered to lie on the table, and to be printed.

MOTION RESPECTING THE PETITIONS COMPLAINING OF IMPRISONMENT UNDER THE HABEAS CORPUS SUSPENSION ACT.] Lord *Folkestone* moved, that the Petitions of Francis Ward, William Benbow, John

Knight, Samuel Haynes, Joseph Thomas Evans, William Ogden, John Stewart, and John Bagguley,* who had been imprisoned under the act for the Suspension of the Habeas Corpus, praying the House to investigate the treatment which they had received, should be entered as read, which was done accordingly.—His lordship then proceeded to observe, that when he presented the petition of Francis Ward to the House, he had stated that he should afterwards move to have that and the other petitions, presented on the same subject, referred to a committee of the House, when they might take into their consideration all the circumstances detailed in those petitions. He was anxious, as early as possible, to bring this case before the House, because it had been intimated, by a noble lord, that a bill of indemnity to the servants of the Crown would be asked for as a matter of course; that the question was to be brought forward, not for the grave and serious discussion of the House, not as a measure that was to depend on its own merits, and to be rejected or approved as the conduct of his majesty's ministers should warrant; but as a measure which the ministers were entitled to demand of the House, and which the House, in its legislative capacity, could not refuse. It appeared to him, that a strange confusion prevailed in the minds of several persons with respect to that bill. They seemed to think, that it was really due to the ministers of the Crown, as the noble lord had stated, without any previous investigation; but if he knew any thing of the principles of our constitution, he would be bold to say, that it was the duty of the House, on this occasion, to take care, not so much of the ministers of the Crown, as of the liberties of the people. Before they suffered themselves to give any countenance to a bill of indemnity, they should see that the people had not been damnified: they should first appoint a committee to examine the grievances which the petitioners had stated, and to ascertain whether the ministers had not exceeded their powers. Nothing could be more hostile to the spirit of liberty, nothing more destructive of that generous system which our forefathers had delivered down to us, than the doctrine that a bill of this nature should be passed as a matter of course.—The Habeas Corpus act had, within the last hundred and twenty-four years, been frequently suspended—no fewer than nine, ten, or twelve times; but these suspensions had been followed by a bill of indemnity only on one occasion, and it was curious that that bill of indemnity was asked by the same gentleman who now asked for one; for though they did not occupy the same situations which they now occupied, it was the same individuals who applied then that applied now. So that the only instance of a bill of indemnity was a precedent of their own: they acted wrong in the first instance, and now they thought to benefit by their own wrong: they were calling upon the House to screen them from the consequences of their late violations of the law, merely, as they stated, because they had been protected from such consequences before! But he wished to observe to the House, that bills of indemnity, in cases of suspension of the Habeas Corpus act, were altogether of modern date—he had taken some pains to look into the proceedings of parliament, and he could find no precedent earlier than the 40th of the present king. It was always to be borne in mind, that the House had yet had no satisfactory proof of the necessity for vesting ministers with the extraordinary powers which the suspension of the Habeas Corpus had conferred on them. When they applied to the legislature for the bill by which this was effected, they asserted, that sedition and treason prevailed in several counties, and that the ordinary powers of the law were not sufficient to repress them. This was the ground upon which they desired to be intrusted with extraordinary powers. But what had been the result? The only instance which could at all be adduced of any outrage having arisen from the evil spirit which was said to prevail was, the frame-breaking at Derby and Nottingham, followed by the trials for high treason at Derby, where three individuals suffered the punishment of the law. No gentleman had shown that any other case of treason had been found to exist. It was evident, therefore, that the dangers of the country had been exaggerated beyond their proper dimensions; and that they might have been removed, had government taken a different course from that which they had pursued. But as to the manner in which ministers had exercised their powers, the very fact of their asking a bill of indemnity was an admission of their having abused them. From the beginning to the end of the business, it seemed to him that they had violated the law in every respect; and he was at a loss to know how gentlemen would justify themselves in the eyes of their constituents—in what manner they could reconcile it to their own consciences—to grant an indemnity under such circumstances.

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* For copies of the said Petitions, see p. 104, 192, and 412.

It was admitted on all hands, that ministers had received, by the Suspension act, no new powers of apprehension and release—they had only received the additional power of retaining persons arrested, without bringing them to trial, beyond the term fixed by law for that purpose. They had no new power of taking up persons without warrant issued in the usual manner. There was a regular form and process in which only men could be arrested; they ought to know the accusation against them, and to be themselves examined. This was the case with respect to every inferior crime—the subject was regulated by law-books and by acts of parliament. Not one of the regular forms had been complied with in the present case. He would not at present dispute the power of the secretary of state to issue warrants to apprehend persons on a charge of high treason; but he must observe, that this power, said to be vested in the secretary of state, was undoubtedly an anomaly. It was a usurpation, and not above a hundred and fifty years old. It had been disputed at the time of the Revolution, and it was only by a decision in the time of king William that it was confirmed. One of the judges declared on that occasion (as appeared by sir Benjamin Shower's Reports), that he conceived the secretary of state had power to administer an oath, because he had power to commit. It would have been a much more legitimate conclusion, to have inferred that he could not commit, because he could not administer an oath. Lord Camden said, he founded his opinion entirely on that decision. But, as he had already said, he did not now mean to dispute the power of the secretary of state to commit. It was a right, however, of modern practice, which some of the greatest lawyers had pronounced to be a usurpation, and a perfect anomaly—and if that power was continued, they ought to put an end to the anomaly by giving a power to the secretary of state to administer an oath. But if the secretary of state had the power to issue warrants to apprehend persons on a charge of high treason, he ought not to do this without attending to certain forms. He did not find any statute or any other guide to determine the form to be gone through, before the secretary of state could issue such warrant; but he could not doubt that the same forms ought to be observed in cases of high treason, which were used in the case of all inferior crimes; and he knew that the forms of proceeding, in the case of inferior crimes, were pointed out and directed by law. A justice of peace, before committing, in the case of inferior crimes, must take the examination of the party, and the oath of the accuser, and transmit them to the proper court where the person so committed would have to be tried. Was the law to take all these precautions in the case of inferior crimes, and to be blind in the case of higher offences? and was the secretary of state to be absolved from the necessity of taking the precautions which every magistrate was bound to take? But in cases of treason itself, justices of peace, in ordering commitments, were bound by act of parliament to proceed in the same way as in the case of inferior crimes. A justice of peace could only commit for treason as felony and breach of the peace, and proceed in the same manner as in cases of felony, or breach of the peace.

Now none of these forms had been observed with respect to any of the persons whose petitions lay on the table. With respect to the individual whose petition he had first presented, Francis Ward, the proceedings against him had originated not with the secretary of state, but with the magistrates of Nottingham.—The officers began searching his house without showing any warrant or authority whatever. The proceedings in that case appeared indeed to have been irregular from the very beginning. Next, with respect to the treatment of those persons in prison, he knew he should be told that on this subject there was great exaggeration—and it might be so. He himself had happened to see the directions sent down by the secretary of state to one of the prisons where several of these persons were confined. It was a particular order that irons should not be used unless necessary. But though the secretary of state gave such directions, he took care that the magistrates should not be allowed to see whether these orders were attended to or not—whether or not the persons were subject to ill treatment—and therefore, notwithstanding the order, he would say, that the secretary of state was responsible for every instance of ill treatment contrary to his own directions. But supposing even that their ill treatment was exaggerated — supposing even that the evils which they endured might be described too emphatically—it was by no means wonderful, that men taken as the petitioners were from their families, and detained so long in confinement, should be very impatient under their imprisonment; and express that impatience in terms of strong resentment. But there was one part of their treatment which was not exaggerated—their solitary confinement—a thing unknown to our old law—and in the opinion of many persons so grievous a punishment, that it was not inferior to death itself. He begged leave to read an entry from the Journals, to show the idea which was formerly entertained of solitary confinement. It was in 1689, and it referred to the case of lord Castlemaine, who was confined in the Tower under a warrant of the secretary of state, on a charge of high treason. In a petition to the House, of which he was a member, he desired that he might have the liberty of the Tower, and that he might not be kept in close confinement; and the House being informed that he was not allowed to see his friends or servants, an order was made that they should be admitted to him, that a bill should be brought in to regulate the imprisonment of the subject,* and that Mr. Attorney General should prosecute the keeper of Newgate; such were the resolutions of the Commons at that time; and he hoped that the House would follow the example, and appoint a committee to examine into the truth of the matters alleged in these petitions, and take measures for giving redress.

But he contended also, that the manner in which the petitioners was discharged was as contrary to the practice of the law, as the manner in which they had been committed to prison. He would ask the attorney-general how persons could get out of gaol who were committed to be delivered in due course of law, without pardon or acquittal? They could only come out by due course of law, except by pardon. Letting them out on their own recognizances, was only letting them out on an inferior sort of bail. Now, he would contend, that the manner in which the petitioners were allowed to come out was as illegal on the part of the officers of the Crown, as it was unjust towards the petitioners themselves. It was illegal because it was contrary to all the statutes from Edward the first; and unjust, because it left the parties with a stigma on their characters, which, if they had been tried, would most probably not have attached to them. The first statute on this subject was that of the 3rd of Edward 1st, commonly called the statute of Westminster. This act went to replevins, the only sort of bail known at that time; and from this it was argued in favour of the power of a secretary of state to commit, that the power which the king formerly possessed had been transferred to the secretary of state. A magistrate could not bail in a case where he could not commit. By a subsequent statute of Philip and Mary, it was enacted, that all the offences were not bailable which had been enumerated in the statute of Westminster; and that a magistrate could not discharge a prisoner upon his recognizance, if committed on a charge of high treason. So that if it was true that these persons were committed for high treason, they could not be let out on bail, much less on their recognizances — and their discharge was contrary to law. If it was said, that had this been illegal, the court of King's-bench would have objected to the proceeding—he could only answer, that the court had only then to consider of the recognizances, so that the question of the legality of their discharge was *non coram judice;* and as to any argument deduced from the voluntary appearance of the prisoners in the court to have their recognizances discharged, and the acknowledgment of the legality of the preceding thereby implied, the answer was, that no subsequent act of the prisoners could have any retrospective effect, so as to render legal what was not previously decided to be according to law. But even admitting that magistrates had the power of bailing for high treason, they did not possess that power as lately exercised; for in the case of the prisoners, one magistrate had taken their recognizances in some instances, whereas by the act of Philip and Mary, in all bailable offences it was necessary that the bail should be given before two justices, and one of those the justice who had taken the examination. The mode, therefore, in which these persons were discharged was contrary to law, as well as their discharge itself. It was obvious, that if this system was not stopped, the secretary of state would possess a dreadful power of punishing without trial.

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* See New Parliamentary History, Vol. 5, p. 406.

An hon. and learned friend of his had lately expatiated, with great truth, on the evils arising from the delay of justice in the Northern counties. Suppose that in one of those Northern counties which had been alluded to—Westmoreland for instance—a man were committed by the secretary of state a week after the assizes; there he might lie for eleven months, and upon the near approach of the next assizes might be bailed by a magistrate, who had no right to do so, and discharged, without having any remedy for his long imprisonment. Such a case might arise at any future period in the four Northern counties, if the principle lately acted upon were admitted to be law. It was true he might bring his action for false imprisonment; but if no more information were given him of the charge against him than had been given the men who had been confined under the late suspension act; that is, if he was not allowed to know the facts with which, or the persons by whom, he was charged—two or three witnesses might be brought forward who would swear to particular facts, and he would have the costs to pay.

It might appear strange, that he who was so decidedly against the state imprisonments—who thought the arrest and treatment of the persons who had suffered by them were uncalled for and oppressive—should yet complain of their discharge; but on a little consideration it would be allowed that he was perfectly consistent. He complained of the manner in which these men were discharged, because it took from them all remedy—because it deprived them of all means of clearing their character, and obtaining compensation for the losses they had suffered, and the hardships to which they had been subjected. But this was not his only motive, nor was it the only duty of the House to see these men righted. It was the duty of the House to take notice of the violation of the laws, and to punish those who were their violators, though the petitioners had had no connexion with the transactions in question, and had no complaints to make against the government. In alluding to what was said in a former debate, that no person of consequence was imprisoned under the suspension act, that no gentleman was arrested who could make his complaints be heard through the medium of his speeches, that no victim was made whose fate and sufferings could excite the attention or call forth the indignation of the country, he declared his belief that such a position was true; and that his majesty's ministers were well aware of the security they derived from the low rank of their prisoners. They seized upon them because they wanted victims of some kind to justify their measures, and it was not safe to lay hold of others who would not have submitted so quietly to their fate, or have accepted of their discharge on such conditions, who could neither have been imprisoned nor turned out of prison without creating some noise. Not only was the rank of these victims such as to preclude them from making their complaints be heard with effect, but the House was told that their complaints ought not to be listened to, because their allegations were false.—It had been argued, that they could not be believed, and that therefore their petitions for inquiry laid no sufficient ground for the present motion. Even admitting the premises of the gentlemen opposite, he could not see the justness of their conclusion. If the allegations of the petitioners were as false as they were contended to be, he still thought his motion ought to be entertained, in order to have them disproved, and to show to the country that ministers, in the exercise of the extraordinary powers entrusted to them, had not proceeded with unnecessary rigour or acted contrary to the authority of law. He had been told that Francis Ward, whose petition he had made the ground of his motion, was a bad character, and therefore unworthy of the attention of the House. But he would ask, on what ground the charge was advanced? Had he done any thing which had been proved against him?—Had he been convicted of any offence? On the old maxim of law, which he was sorry to see discountenanced by some members of the House, every man ought to be presumed innocent till he was found to be guilty; and this person ought therefore to be considered as honest and credible till he was convicted of being the contrary. He would not only rely on this general doctrine, but he would say that he had the authority of government itself for declaring that this Ward was not a dangerous character, if the secretary of state might be judged by his acts. The Habeas Corpus act was suspended in March, and the object of it (an improper object, in his opinion), was declared to be to confine dangerous persons. Yet Ward was not apprehended till late in June, after the disturbance in Nottingham, and the outrages in the neighbourhood, which was represented as in rebellion. He had a right therefore to conclude, that Ward was not a person of a dangerous character, or he would have been previously apprehended (if the secretary of state had not suffered him to continue at large, that he might become one of his victims); and that having been apprehended he would have been brought to trial, instead of being discharged. But he did not think the question of the character of the man, as it applied to the present motion, a matter of any consequence. It might be more advantageous, if an impression on the feelings of the House were regarded, that the first petition which should be brought forward, should be from a man whose character stood clear; as, for instance, the man whose petition had that night been presented by his hon. and learned friend. As a matter of justice, it would be better perhaps, that if the cases themselves were equal, that if this man, whose character was not clear, should be first attended to by the House, because such a person was less likely to receive assistance and protection from others in obtaining justice. A testimonial had been sent to him with the petition of Ward, by persons who stated themselves to be his neighbours, but who were not known to him (lord F.) to the good character of Ward. He should not, however, take up the time of the House with any arguments on this subject, for he did not ground his motion on the character of the petitioners but on the breach of the law which had taken place in their persons, and he thought the House would see the absolute necessity of inquiring a little into the treatment of those who had been apprehended, imprisoned, and subsequently got rid of in the manner he had described. He hoped the House would agree with him, and he should move, "That a Committee be appointed to examine into the truth of the allegations of the said Petitions, and report their opinions thereupon to the House."

Lord *Castlereagh* said, on rising to make some observations on the motion of the noble lord, he must first ask whether that motion was consistent with the notice which the noble lord had given to the House? He had understood the noble lord formerly to allude to the case of Francis Ward, and to give notice that he would move for a specific inquiry into the allegations of his petition. He had, however, widely departed from that declared intention, and had introduced into his speech the discussion of more comprehensive topics, connected with the general measure of the Suspension act, and the cases of all those who had been imprisoned under the powers which it conferred. But though the noble lord had altered his course by taking all the petitions for the basis of his motion, it did not follow that he (lord Castlereagh) should alter his; nor would he do so. He would particularly advert to the case of Ward, which the noble lord threw in the back ground, and for inquiring into which, had the noble lord confined himself to it, he would not have objected to a committee. He was willing to allow that, if such a committee had been appointed, the noble lord might consistently have moved to refer other petitions to it; but by his speech he had departed from the grounds of his motion, and had dwelt only on the necessity of a general investigation. The noble lord had alluded to the probability that his majesty's ministers would introduce a bill of indemnity to protect them from any of the legal consequences of the late exercise of the powers intrusted to them by parliament, and he had declared that he had bestowed some attention to the nature and history of such measures; but he could not compliment the noble lord on the accuracy of his reasoning, or the success of his research. The noble lord had said, that though there were numerous instances of the suspension of the Habeas Corpus act, from the commencement of the last century down to the present time, yet that there was only one precedent for a bill of indemnity, and that had been passed as a protection to a cabinet composed nearly of the same persons who were now about to apply for it. Relying on the accuracy of this statement, the noble lord had called upon ministers to produce another instance of the passing of a bill of indemnity after the exercise of the powers conferred by the suspension act; but the noble lord must allow him to set him right, by stating the converse of that proposition; and he apprehended that he should be more correct in challenging the noble lord to produce an instance where it was necessary to exercise the extraordinary powers of the suspension, which was not followed by an act of indemnity. The last precedent, the bill of indemnity in 1801 was pretty extensive, for it extended to acts done under all the suspensions of the constitution from 1793 to 1801. But in the reign of king William there were not less than three bills of indemnity passed. There was one after the rebellion in 1715 and another after the rebellion in 1745. In fact, the noble lord would find, that an act of indemnity had been granted in every case where a suspension act had passed, and where the mischiefs to be provided against had led to the necessity of putting extraordinary powers into the hands of the ministers of the Crown for the stability of government, and the safety of the country.

The noble lord had assumed, that an application for a measure of this kind, after the exercise of the extraordinary powers put into the hands of government by the legislature, amounted always to a confession of the oppressive rigour with which they had acted, and of the commission of deeds which they could not justify to the country on their responsibility. This was an unfair view of the case. The suspension act, which was never passed by the legislature except with the view of meeting a danger which it believed could not be encountered by the ordinary powers of the law, only allowed government to commit suspected persons, and bound them over to prosecute. In the exercise of this authority, he denied that his majesty's ministers had committed any unnecessary acts of severity, or had transgressed the bounds of the trust reposed in them. He denied that his noble friend, the secretary of state for the home department, had been guilty either of cruelty or injustice. He denied that he had given his warrant for commitment without the evidence of credible witnesses, taken on oath. He denied that he had committed one individual on the testimony of the person (Oliver) so much alluded to by the other side of the House. He denied that a single arrest had taken place without not only having the depositions of credible witnesses, but the authority of the law officers of the Crown. The noble lord, however, went on such grounds as would render any justification of this kind quite inadmissible, and would prove the criminality of ministers in whatever manner they exercised the powers entrusted to them by parliament. He had argued that there was no necessity for the Suspension act. The House had, however, thought otherwise; and after, by a great majority, placing in the hands of ministers extraordinary powers, which they were called to exercise on their own responsibility, ministers would have betrayed their trusts, if, seeing the necessity of exercising them for the maintenance of the public tranquillity, and the preservation of the government and constitution, they had refrained from acting as they had done. Parliament had proceeded to legislate on two reports of committees of the House. Both these reports stated (and the noble lord would allow him to say, that there was not among the members of those committees one dissenting voice on the subject) that a bold and dangerous conspiracy was organized against the frame of government, and the peace of the country; and that this conspiracy was endeavouring to take advantage of the unavoidable distresses of the times, to turn the physical force of the people against the existence of the state, and the order of society. Government had been armed with powers to meet the danger, and had exercised those powers consistently with the tenor of existing laws and the conditions of their trust.

On this ground he would meet the noble lord, and say that there had been no violation of the law. He agreed with him that all the forms of law should be observed, that witnesses should be examined, and that no arrest should take place without proper evidence; but he denied that this principle made it necessary to place a witness, who gave his oath under the Suspension act, in the situation of other witnesses, or that a magistrate was bound to send his informations into a court, as he would be bound in ordinary cases. The ordinary course was for a magistrate to lay the evidence on which he committed, with the names of the witnesses, before the bench; but it was plain that this principle could not be acted upon on the present occasion without defeating the object which the legislature had in view. He would put a case:—supposing a magistrate had offered to the secretary of state evidence on oath, on the truth of which he completely relied, affecting the existence of the government, or necessary to the preservation of the public tranquillity, and supposing that that magistrate could only obtain and transmit such evidence on condition that the names of the witnesses were to be concealed, or that neither he nor they were to be exposed to the consequences of giving such important information—could his noble friend, acting on his responsibility, have refused to listen to such testimony, or could he have refused his warrant to commit the person whom it affected? He was convinced that such a principle could not be maintained, and should be glad to be informed in what situation his noble friend would stand, if after having acted on such evidence, he was required to justify, in a court of law the commitment he had made? It was altogether a false view of the bill in contemplation, to consider it as a bill for the protection of the ministers of the Crown: it was for the protection of individuals who had come forward to give information of the utmost importance to the security of the country; but which could not be elicited otherwise than by the prospect of such protection as the measure alluded to held out. Either, then, these individuals must be protected, which protection was of such importance in their eyes, that without it they would not have given their information, or the ministers of the Crown must be exposed to punishment, not for their own misdeeds, but for refusing to give up those who had enabled them to detect the conspirators. If the ordinary course of law had been sufficient, why should recourse have been had to the suspension of the Habeas Corpus? The suspension was for the express purpose of protecting individuals from the hazard which might attend the disclosure, in an open trial, of the information which they had given; and without such protection no information could be had, as none would venture to offer it at the risk of his own safety. On such grounds indemnity was always judged necessary, not to cover ministers, but to protect those who saved their country. If the question were at all inquired into, it would appear that upon every principle of justice such a protection was necessary, and to deny it would be attended with insurmountable difficulties.

With respect to the hardships of imprisonment, of which so much had been said, this was no question to be entertained by the House without great irregularity: for those individuals who thought themselves aggrieved, had always their remedy at hand; the ordinary courts of law were open to them, and he apprehended there would be nothing in the bill of Indemnity to preclude them from bringing their action. The suspension of the Habeas Corpus only prevented trial during the operation of that measure. When that was no longer necessary, there was nothing to prevent individuals who conceived themselves aggrieved farther than by the mere confinement, from seeking redress; but this was a question to be tried only by the judges of the land, and to this they were fully competent. He trusted, therefore, that the House would agree with him in thinking, that there was no necessity for a committee of inquiry. With regard to the hardships of which, those petitions complain, much delusion had been practised, which had been the cause of much inflammation without, and misrepresentation within that House. Some of those petitions were found even not to have been signed by those whose names were subscribed to them. In one of those petitions, heavy complaints were made of the great danger arising to the petitioner's health from the damp state of the dungeon in which he was confined. Upon inquiry, however, by several members of the House, it was found that the accommodations were comfortable, and that the rooms were such as the hon. gentlemen themselves could wish to have if they should be confined in such a place. These petitions were brought, he had no doubt, for the purpose of putting the House into an invidious predicament—for the purpose of creating clamour, inflammation, and discontent, because parliament would not step out of its way to interfere with what evidently belonged to other parts of our system. Let the plaintiffs bring forward their action in the proper place, and there could be no doubt of inquiry. With respect to the number of petitions now brought forward, he had to observe that there was nothing startling in the case. In no one instance had he heard of a bill of indemnity having been contemplated, but similar petitions were brought forward, and gentlemen opposite were equally ready to vouch for the truth of the statements which they exhibited; but this had never induced the House to step aside to inquire into such *ex-parte* statements by a committee who should examine witnesses not upon oath.

The statements of Ward, in every part of his case, afforded the most flagrant instances of misrepresentation. The manner in which the noble lord had described Ward's original imprisonment was quite incorrect; but to this he would speak afterwards. The first arrest of Mr. Ward was by the magistrates of Nottingham, upon suspicion not of high treason, but of being implicated in those horrible acts which disgraced that part of the country. When he was within a few days of being dismissed from confinement upon this charge, he was committed afresh upon a warrant from the secretary of state upon charges of a treasonable nature. The complaint of being confined with common felons was applicable only to the first period of imprisonment when he was confined as a felon. With respect to the place of his confinement, it appeared from the affidavit of the gaoler (which his lordship read) that the walls of his room were perfectly dry and free from damp, that there was no offensive smell but what arose from fumigation that he had a bed, bolster, blankets, and a bedstead, that he never made any complaint to the gaoler, nor was he ever loaded with irons or fetters. When afterwards removed to the gaol of Oxford, it could be proved that his complaints were equally ill-founded, and that when he wished for any change it was attended to as soon as solicited, for which he himself expressed his gratitude. This man affected the character of an extremely moral and religious person, and complained much that he had not the privilege of attending public worship. He had been confined there from the 21st of June, and from that day to the 1st of August, he had never once expressed a wish to that purpose; and the first notice they had of such a wish was by a letter to his wife. This letter, which the gaoler never saw, was noticed by the secretary of state. Inquiry was immediately made why the prisoner was not allowed to attend public worship. The gaoler wrote in reply, that there were no objections whatever made, had he expressed any wish to that purpose, and that he could sit in his own seat on Wednesday and Friday mornings and Sunday afternoon. With regard to any other complaints, he never made any remonstrances to the officers of the gaol; and it appeared that another prisoner (Haynes) who had been treated in the same way, expressed his gratitude for the kindness he had experienced. When he complained of solitary confinement, he was allowed to join another prisoner, and they were permitted the use of a yard. It likewise appeared, that his confinement was not attended with any prejudice to his health, but that he had left the gaol as well as when he came to it. When, afterwards, the gaol became crowded by the number of other prisoners, lord Sidmouth ordered that he should be removed.

It was excessively painful to allude to the moral character of an individual, but it was necessary to prevent the House from being carried away by their feelings. He must protest against the attempt to mislead the House by *ex-parte* statements. The House, he trusted, would not suffer their feelings to be trifled with, nor call in question the conduct of ministers in the exercise of an arduous duty, on such grounds as the petition on the table contained. As to the morals of the petitioner, he could prove them to be very different from what the petition might lead gentlemen to expect. He must here, however, refrain from entering into all the evidence he could produce on the subject, for the same reasons for which he could not bring forward the evidence against those committed under the Suspension act. The danger of disclosure to those who gave evidence was the cause of concealment. But he could notwithstanding, satisfy the House as to the petitioner's moral character. From the terms of his petition, he might be supposed to be more than ordinarily religious; when complaining of the officers, his expressions were: "Seeing all remonstrance in vain, the petitioner reluctantly submitted to that which he thought diametrically opposed to both law and justice; the petitioner has no doubt but the sequel will prove to the House that he did not oppose the police from motives of fear; no; the man who is guided by this rule 'do unto others as 'you would they should do unto you,' has nothing to fear; and that rule which was laid down by no less a personage than Jesus Christ has long been adopted and acted upon by the petitioner, so that he had no reason to dread the thoughts of ten or twelve constables searching his premises for seditious and treasonable documents; it was not from fear, but from a consciousness of the rectitude of the petitioner's conduct as a man and a subject, &c." Then, to give an idea of his distress and of its peculiar operation on his sensitive nature, the petitioner, after describing his imprisonment proceeded thus: "In the foregoing statement the petitioner has attempted to give the House a plain detailed account of the sufferings, without exaggeration, he has undergone while detained under the Suspension act; but alas! this attempt comes far short of giving a full and clear description of the unheard-of cruelty he has been treated with, as no mention has been made of the excruciating torture of mind the petitioner has undergone;—here language fails, and to form any conception of his case it will be necessary to figure to the imagination a man who through life has taken a very active part in it, being accustomed to labour hard for his bread, by frequently having to work twelve, fourteen, sixteen hours a day, and sometimes more, the existence of a family depending on his exertions, which all at once ceases, and the intolerable state of inactivity succeeds; added to this, being possessed of all the finer feelings that adorn human nature, and those are for a long period stretched on the rack by his being dragged away from all that is near and dear to man in life; thus the glowing affection of a son, a husband, and a father, being simultaneously aroused, contributed not to sweeten the bitter cup of life, but to render it insupportable; for such a one, who has never been within the walls of a prison before, to be cut off from society and immured within the walls of a dungeon not fit for a murderer to be confined in; what inconceivable sufferings must such a one experience! nothing but the thoughts of his innocence could enable him to bear up under the intolerable load, &c."

Now, in complete contradiction to all this, he was prepared to show that this petitioner had been engaged in the most atrocious crimes. In 1816, two persons, Thomas Savage and Joshua Mitchell, who had been regularly convicted of being concerned in the dreadful proceedings which had taken place at Leicester and Nottingham, suffered death. These men, on the eve of their execution, had made a last atonement to their country for the crimes they had committed, by a full confession of what they knew of the transactions referred to. Their depositions had been taken by the magistrates of the place, and transmitted to government by Mr. Munday. These depositions he would now read, suppressing all the names alluded to in them, except the name of Francis Ward. The first was the confession of Joshua Mitchell, who was executed at Leicester for a felony committed at Loughborough. In his confession he stated:—"B shot A—C B told me that Francis Ward had urged him to go to Loughborough to destroy the machinery; he had mentioned the thing to him on Saturday evening, and said there would be a deal of money in it; the workmen had offered to give 100*l.* for the destruction of the machinery. Several of us met at the Navigation-inn, and formed our plans. I received from 3 to 4*l.* from Ward for acts I performed. Ward gave me 10*l.* for the part I took in destroying the works at Woodpeck-lane, in Nottingham. Our committee met at the Duke of York in Nottingham, Francis Ward was the treasurer. Ward belonged also to the Loughborough committee. He plotted the outrage at Castle Downington. Ward employed me to shoot a man who had refused to turn out, and offered 4*l.* as my reward." The House, while listening to this paper, might be disposed to think that what it stated was fabulous. They could hardly be prepared to hear that men had been hired to commit murder. The fact, however, had been clearly proved, that assassinations had been regularly planned, and the price of murder as regularly fixed as that of stockings or any common article of traffic could have been. More than one jury had convicted on evidence which showed that 4*l.* was often the price for shooting a man. The confession went on. "Ward offered 10*l.* for shooting some of Kendal's men. He offered 10*l.* for shooting another master manufacturer; and 5*l.* for shooting one of his men for working. After the conviction of a man who was tried for felony at the last assizes at Loughborough, Ward offered a large sum for doing out (murdering). We met at the Jolly Bacchus, and when none agreed to do this, Francis Ward took out a golden guinea and said he was determined it must be done." The second confession was that of Thomas Savage, who was executed a few weeks after Mitchell. It corroborated the former confession. He trusted the House would now see the course of proceeding they were called upon to adopt; he trusted they must now be able to form a proper estimate of the real character of this petitioner. Whether this man could be put on his trial for the foul crimes with which he was charged, it was not for him to determine. It was enough for him to say, that he had been committed on the evidence of two credible witnesses; and he would appeal to the House if there was any thing in his moral character that ought to have saved him from being committed to prison, after he had been charged on oath with treasonable practices. The depositions to which he had referred had not been obtained from Mitchell and Savage under circumstances which left them any hopes of obtaining mercy through the disclosures they might make. No such expectation had had any influence over them, when these statements were made by them in the most solemn moments which preceded their execution. He could assure the gentlemen opposite, that there were circumstances which would appal their convictions, as to the whole proceedings of ministers, as much as in this case, in which there was nothing wanting to a moral conviction but the judgment of a jury; but without that every moral mind must be satisfied as to the petitioner's character.

He hoped he had now said enough to prevent the feelings of the House from being run away with by these ex-parte statements of Mr. Ward and others, representing themselves to be the most virtuous and most injured of men; with the view of making a false impression on parliament and the country. The House would not, on such statements, think it necessary to institute a committee of inquiry into the allegations of those whose crimes threatened the country. When the conduct of ministers should be fully inquired into by the committee above stairs, it would, he was persuaded, be the conviction of the committee, and from their report it would be the conviction of that House, that ministers had shown no malignant spirit, no oppressive temper, no disposition to injure or distress any individual; but, on the contrary, that they had manifested every forbearance and lenity consistent with their sense of duty. The noble lord opposite wished, by his motion, to bring forward those who had given evidence on the faith of government, and to subject them to the examination of a committee of that House. He should satisfy the committee already appointed, that no individual had been committed but upon oath, and upon evidence satisfactory not only to the secretary of state, but to the law officers of the Crown, and he would farther prove to the committee the probability of the crimes of which they were suspected. All possible information would be laid before the committee, with the exception of the names of the persons furnishing secret information. That these should be withheld would not surprise or offend the House, unless they wished to deny ministers the aid of secret intelligence in dangerous times. If the House would not allow secret information to be received and acted upon, conspirators, who contracted for assassination with the same precision and formality as for any other engagement, could not be detected or punished. The outrages that broke out in the places from which the suspected were taken, proved the existence of strong grounds of suspicion, and the necessity of such measures as were adopted in order to put down insurrection; for an insurrection it was. It would be seen by the committee, from the limited number of persons committed to prison under the circumstances of the case, that no unworthy motive on the part of ministers had animated them to use unnecessarily the powers entrusted to them by parliament. They had, nevertheless, acted with vigour, and had they not done so, he was convinced the House would have had proofs of the danger which had existed that it was not the wish of the government to afford, as it was their object to prevent insurrectionary outrages. He therefore trusted that the House would not suffer such inquiry as was now required: this he trusted, not from distrust of the principles on which ministers acted, but in justice to those whose names they were bound to keep secret: for the consequence of such an inquiry would be, either that ministers must submit to all the charges brought against them, or abandon those who had given evidence on the faith of concealment, to the vindictive attacks of those whom they had detected.

Mr. *John Smith* said, he had supposed that the present motion was to be confined to the case of Ward, and with this supposition he had resolved to vote against it. No man could believe one word of Ward's petition. If falsehood was detected in one part, that was good ground for discrediting the whole. The part, then, that reflected on the magistrates of Nottingham was most false. He had no motives for saying of those magistrates what he did not believe, but he appealed to ministers whether those magistrates could be surpassed by any set of magistrates in honour, fairness, and fidelity; and at the same time it was well known that they were old and consistent friends of liberty. Information on oath had been given them that there were arms in Ward's house, and this information was given the day after the Derby insurrection. Mr. Enfield, the town clerk, a most respectable gentleman, hesitated to give Ward a copy of the warrant at first, because the information was not in writing. This occasioned any irregularity that might attend that part of the case. He was afterwards arrested on strong evidence that he had been concerned in the horrible murders at Loughborough, the most horrible that were ever known in any part of the country. He was grieved to say, that there were still circumstances which made it dangerous for witnesses to come forward in that part of the country. There was one circumstance to prove this man's participation in those crimes which he had occasion to know, but which the noble lord had not mentioned. Previously to the trial, Mitchell confessed the main part of the facts respecting Ward, to a professional man; whether desired to do so in order to prepare for his defence, or whether he had done it to relieve his mind, the hon. member could not say. The professional man felt himself obliged to conceal this while Mitchell lived; but after his decease the obligation ceased, and he then confirmed the confessions read by the noble lord. For these reasons he had come down to the House, resolved to oppose the motion, but he found it to be a different motion from what he had expected. It was not confined to Ward, but included all the petitioners. He did not believe that among all the other petitioners such a case as this of Ward's existed; and though one of these persons had been found thus unworthy, he did not think all inquiry should be on that account precluded. Being connected with such a populous district it had often happened to him to have occasion to apply to the noble lord at the head of the home department; and he believed no man was more likely to do what was fair and humane than his lordship. But it was not equally clear that his intention was always carried into effect. Many who acted under his orders, but not immediately under his eye, might have indulged party feelings, to which his lordship was a stranger. He could not at all see that the falsification of Ward's individual statement afforded any fair ground for refusing to go into an inquiry. If any one case of improper severity was made out, the House was bound to inquire into it: he could not, therefore, because one case had been negatived, oppose a motion, the object of which was to go into an inquiry on all. He must also say that if not a single word of all the statements was true, it was surprising that the parties making them had not been brought to account for their misconduct.

Mr. *Goulding* begged to trouble the House for a few minutes, as he was possessed of some local knowledge on the subject of the petition from John Knight. He held in his hand a declaration from Mr. Eastaffe, the gaoler of Reading, which stated that three prisoners, James Sellers, Nathaniel Hulton, and John Knight, were brought to him on the 10th of April, at about nine o'clock in the evening; they complained that they had tasted no provision during the whole of their journey from London (the House would recollect that that journey was only 39 miles); he then conducted them into his own kitchen, fed them on cold roast beef and pickles, with strong beer; they had as much as they could eat. He then provided them with beds in the best apartments of the prison; the beds were featherbeds of the best quality, and Sellers was placed in the state apartment; Knight was placed over the chapel. On the day following he stationed them in a ward, where they had an apartment 16 feet by 14; annexed was a list of luxuries with which they had been supplied. Instead of being separated they continued together for 16 days; and it was not possible that this should have been otherwise arranged, except under the orders of a visiting magistrate. Those orders were afterwards given, and Knight was ordered to the room over the chapel: the deputy-gaoler was removed to accommodate the others, and their apartments were all well furnished; insomuch that the prisoners all expressed to their relations their satisfaction at the good treatment they had received. Knight, who had spent 10*s.* 6*d.* in tobacco, and had received many presents from the gaoler, returned thanks for his kindness and generosity. When he was first placed over the chapel, the sashes of his apartment were nailed down, to prevent him from communicating with some workmen, who were employed opposite; but on his applying for a ventilator, it was immediately granted. The apartments allotted to him had since been occupied by gentlemen debtors. Knight's situation was more comfortable than even that of Sellers and Hulton. Sir Nathaniel Duckenfield, Mr. Stone, Mr. Farmer, and many other magistrates, had visited the prisoners continually, and could prove that they expressed themselves entirely satisfied. He held in his hand an acknowledgment of two of them, made to the magistrates of Berkshire, thanking Mr. Eastaffe, the governor of the gaol, for his kindness and attention: he had furnished Sellers and Hulton, on their departure, with extra clothing and money for their journey. He had felt it his duty to put the House in possession of these facts, as an act of justice to the gaolers, and to all the persons concerned in the accusations which had been brought forward.

Sir *W. Lemon* said, there was no man in England less disposed than himself to suspect the noble lord at the head of the home department, of any disposition to oppress. He did not think that his majesty's ministers were desirous of using that law, which he, with other members, had felt it their duty to oppose, for any bad purpose; but petitions were now presented from different persons complaining of great oppressions. Though the government might not wish to sanction such conduct, the persons acting under them might possibly have been guilty. Some of the petitions appeared not to be borne out by fact, perhaps none of them were, but still the House was bound to inquire into the acts alleged to have taken place under the operation of the measure, as it was their paramount duty to investigate all cases of grievance that were submitted to them.

Mr. *Gordon* wished to say a few words on the petition from Bagguley. In consequence of that petition, he had written to the gaoler of Glocester, whom he knew to be a man of great humanity, and the reply to his inquiries was a complete contradiction of the petition. The prisoner declared, that on his arrival he had been plunged in a tub of cold water, and that a dangerous fever and cold had been the consequence of this immersion. The gaoler stated, that so far from the water being cold, the rules of the prison required that a warm bath should be always used on such occasions: the prisoner, who had travelled all night, declared at the time, that he found this extremely comfortable and so far was he from being ill in consequence, that he went into the bath on the 11th of April, and never complained till the 20th of May. The part of the prison in which he had been confined, had since been allotted to gentlemen debtors. He had a separate sitting-room and bedroom, was allowed to walk out whenever he pleased, and was allowed a guinea a week for provisions. The bills brought in to him for various articles were carefully examined by the gaoler and other persons under him, that he might not be imposed upon, and he expressed himself in every way satisfied with his treatment. Notwithstanding lord Sidmouth's circular, the governor had permitted all magistrates to visit him; not visiting magistrates only, but even some who did not belong to the county and among them sir G. Paul. He thought it was but justice to the governor of Gloucester-gaol to state these particulars, but he (the governor) was anxious that an investigation should take place. And even if all the petitioner had stated were false, he thought it no reason against commencing an investigation; for the House ought to know on its own authentic inquiry how far the petitions were true, and how far false, in order at least to punish parties who made false representations, to justify the conduct of those who were engaged in the transactions and to satisfy the feelings of the country.

Sir *W. Guise* read a letter from a respectable clergyman, a magistrate who had taken pains to investigate the case, confirming the statement that had been made respecting Bagguley, by the hon. gentleman who had just sat down; more especially as to the fact of the warm bath, and the various comforts that were supplied him. His general behaviour, it was added was extremely regular, and the governor had not once occasion to find fault with him. He contended, nevertheless, that the House was bound to go into an inquiry wherever a grievance was alleged, and therefore thought it right to support the motion.

Sir *F. Burdett* observed, that he could not pretend to come to the discussion of this question with a mind quite so unbiassed and unprejudiced as those gentlemen had professed who had delivered their sentiments before him. He could not but call to mind, that when he first drew the attention of the House to the conduct of the governor of the Cold-bath-fields prison when he was charged with crimes of the blackest die (of which he possessed the fullest evidence, but was never permitted to bring it forward)—he repeated, he could never forget, that at that time, just as on the present occasion, gentlemen rose up in various parts of the House, some declaring on their own knowledge, others on statements made by Aris himself, that he was a man of the most kind and benevolent disposition; that he had never been guilty of any cruelty or oppression whatever; that he was a person indeed in whom the milk of human kindness abounded to an extent almost approaching to weakness; and that the prison was conducted on a system of uniform mildness. The hon. member for Yorkshire, in particular, had stated, that nothing could equal the attention paid by Aris to the prisoners; that he was a pattern of humanity, and indeed too good for his station; but the House would probably recollect that story, which at the time it was told seemed to excite very little sensation in the House—a story which was paralleled only by the history of the prisoner in the Bastile, and his companion the spider: that prisoner, in the course of a long and solitary confinement, by way of diverting his weary hours, had attached to him a large spider, which, by degrees, became so intimate as to visit him at regular intervals, and receive its food; it served as a companion, and gave an interesting occupation to the wretched prisoner. So forlorn and hopeless was this man's condition, that when the spider perished, he declared he had lost the only tie that rendered existence supportable. The story he had told of Aris was much of the same description. He had confined a prisoner for fifteen months in a solitary cell. In the course of a hard winter, a robin had flown into the window; it soon became a favourite with the prisoner, and his only solace. After a long interval, Aris, who very seldom visited the cell, entered one morning, and seeing the bird, crushed it in his hand, notwithstanding the most earnest entreaties on the part of the prisoner that its life might be spared. The agony the poor man suffered was that of one who had lost his dearest and most valuable friend: so bitter had been the infliction of solitary confinement.—Aris nevertheless represented himself as the most humane of mankind—a man whose foible was benevolence, and whose fault always to relax the discipline of the prison instead of resorting to any unnecessary rigour. He had mentioned this only to show that the House ought not to be surprised if he was not quite so ready to believe what gentlemen or what gaolers themselves stated in proof of their own good qualities. He had no doubt that the gentleman who made these statements meant well, and themselves believed all they had advanced; but he could not avoid being himself a little more sceptical on the subject. With respect to the hon. member for Nottingham, he could not avoid saying that all his speech relating to the business of Ward was nothing to the purpose. The question whether he was a bad man or not was nothing to the House; he might be any thing he pleased to represent him, the murderer who committed the late atrocious act at Greenwich if he pleased, but the only question was, whether he had been justly charged with high treason, whether he had been legally committed, and whether he had been legally treated under that commitment; that was the question, and not whether he was a man of good or bad character. He should therefore contend with those gentlemen who said they believed these statements, and yet called for an inquiry, that such an inquiry ought to be instituted: for what could be such scandalous trifling with the public, as to hold out redress for grievances, and yet refuse to inquire whenever a case was brought forward?—The noble lord opposite had left very little for him to do, because he had not in any manner met or answered the arguments of the noble mover; and though he complained, that it would waste the time of the House to inquire into grievances which might turn out to be false, yet he thought it no waste of time to enter into long statements, of which not a syllable could ever be capable of proof. He put it once more to the common sense and candour of the House, and he would ask, could any person be biassed by the statement of a gaoler in his own favour? It had been said, and it might be true, that a great number of gaolers had not even been accused of harshness; if so the expression of one of our poets, that "the steeled gaoler was seldom the friend of man," should be now applied to the steeled minister; and if any misconduct had been committed by any under the noble secretary of state's authority, he should say that the noble lord was liable, even though he was not privy to such misconduct. It was a maxim of the common law, that "qui fecit per alium facit per se," and the noble lord was answerable for the acts of all who were placed under him. The noble secretary of state's characterestic mildness and benevolence had been urged as an argument for obtaining extraordinary power, and the same character was now thrust forward as a ground for stifling all inquiry. So that this individual character was to supersede the principles of the constitution and set at nought the ordinary course of justice, when the power granted to him had been so disgracefully, cruelly, and illegally applied. Some of the gaolers had themselves stated, that they were sorry they were ordered to proceed more harshly than was necessary, and that they thought there could be no need of irons to secure those who were immured in a solitary cell. An hon. gentleman had said, that many of the statements made were false; they might be so, but there were many of them which loudly called for inquiry. He should be glad to be informed why Ogden's case was not to be investigated—a man 74 years old, who was loaded so heavily with irons as to occasion a rupture, and was, like many others, transferred from one gaol to another, and exposed as a spectacle to their countrymen. It was asserted, and was not contradicted, that two men had been chained together, even in bed, and were besides loaded with heavy irons, where there could exist no pretence of safe custody.—Why was not this to be inquired into? Sufferings from cold and hunger made but little figure upon paper: but they were great miseries to endure, and whether they had been justly or unjustly endured, it became the House to ascertain. Was it any answer to the general charge, for a member to produce in his place, a letter from a gaoler, who stated that the water in which the prisoner had been plunged was warm, and that it was very delightful and comfortable when the prisoner himself declared that the water was cold, and that the consequence of it was a fever, from which he with difficulty recovered? This fact showed that inquiry was necessary; and though in one or two cases it had been admitted that the keepers of the prisoners had behaved with humanity and kindness, yet there were many others where complaints were made of a treatment directly the reverse. No doubt, however, the House would decide against the motion, and many members would hold that the statements in the petitions were all false? And why?—because the noble lord had so asserted. The noble lord had great confidence (far too great and too well founded for the interests of the people) in the discernment of parliament—at least as far as respected his own arguments and assertions. The noble lord was sure that hon. members would think with him that all investigation was needless; and in the same confidence that all he said would be implicitly credited, he had gone on to state, that ministers wanted no bill of indemnity, and required no protection. The House could not fail to recollect in what manner the noble lord had talked at the time the Habeas Corpus Suspension bill was first brought forward. He had spoken of the heavy responsibility about to be thrown upon ministers; and he and they had appeared almost to lament that so grievous a burden was about to be cast upon them. Of course he (sir F. Burdett) never believed a word of it. He knew it was a mere pretence, and he had proposed several motions to lighten the weight: first that it should be followed by no bill of indemnity; and next to obtain a declaration by the House, that it was not its intention that under the suspension bill torture should be inflicted by loading the prisoners with heavy irons, or confining them in solitary dungeons. What was the answer given on the other side?—The character of the noble secretary of state for the home department. It was impossible to suppose that such a kind-hearted man as lord Sidmouth would consent to such practices, and the motion was declared an unnecessary imputation upon his character. Many gentlemen thought it was impossible that such things could be done. But had they not been done? Or, if the assertions of the sufferers were disputed, why was not inquiry to be made? The majority of the House undoubtedly entertained high notions of ministers: they could be guilty of no misconduct as long as they were ministers; and because they were ministers, they had not been guilty of any misconduct in this instance. The bare mention of misconduct on their part was enough to acquit them, in the House; but not out of it; for such notions did not extend beyond the walls of the place where they were supreme. The question was, who broke the law? The prisoners answered—the noble lord and his friends. But assertion would not satisfy the country, and the gaoler of Gloucester himself solicited investigation. The offenders, if such they were, were anxious for trial, even at the risk of their lives. Ministers alone resisted it, maintaining that the time of the House would be wasted, and its character degraded. He should be glad to know what a House of Commons was to do, if not to inquire into the grievances of the people? The noble lord had said, that it could not take evidence upon oath, and so forth; and was for completely destroying its inquisitorial functions, formerly esteemed of such value and importance. The noble lord was a perfect Proteus in argument; he could "confute, change sides, and still confute." When he wished to shield his own acts and those of his colleagues, then, said he, appoint a committee; but a committee of his own selection, of which he was himself a member: where ministers sat to be their own judges, and were aided by those who would ask for nothing but what the noble lord was pleased to show them, and who would credit any thing which he requested them, without inquiring, and out of compliment to himself, to believe. Such a gross delusion would satisfy no man out of parliament: but if a committee was proposed, from which placemen and pensioners were to be excluded, and who would go to work thoroughly and fairly with the delinquencies of the noble lord and his friends, then they were not to be trusted, the time of the House would be wasted, and its dignity degraded. "But," said the noble lord, "it is a great mistake to suppose that ministers want an indemnity; what they wish is, to cover their friends, Oliver, his fellow spies, and informers." In short, the bill of indemnity was admitted on the other side to be for the protection of those secret and infamous sources of private accusation, whose purpose was to destroy the happiness and reputation of every honest man. Was it possible that at that time of day such an avowal should be made? that in England it should be professed that innocent men should be solitarily confined, cruelly tortured, and unjustly accused, and should never have an opportunity of discovering to whom they were indebted for all these deprivations and sufferings? The illegality of letting these unfortunate men out prison with the ridiculous mummery of their own recognizance, was as great as the illegality of their first commitment. He did not rest the question upon the merits or demerits of Ward; that had been already answered, at least as far as was necessary for a fair decision upon a motion which did not respect his petition merely; and he could not help hoping when gentlemen considered the subject seriously (more especially those who had voted for the suspension), and saw what had been done under it, that they would feel themselves bound in honour to vote for an inquiry. They ought to recollect, that this very subject of arbitrary imprisonment on suspicion of treason, had occasioned some of the severest domestic struggles this country had ever known; they ought to recollect that the words of the Great Charter were, "nulli negabimus, nulli differemus justitiam;" yet now the answer was, "negatur, differtur," for justice was delayed and denied to those who, in the confidence of their own innocence, had clamoured in a court of justice for trial by the laws of their country. This fact of itself was a condemnation of ministers. The injured men were refused a trial, not from the tender mercies of government, but because they knew that the acquittal of the innocent would be the conviction of the guilty. Magna Charta had become obsolete of late: it was old-fashioned law, not suited to the refinements of modern times; and the declaration, that "nullus liber homo capiatur aut imprisonetur, nisi per legale judicium parium suorum," had been totally neglected and forgotten. It might not be amiss if gentlemen would refresh their memories, and enlarge their minds a little, by recurring to the wholesome laws of Henry 2nd and Edward 3rd, by all of which it was provided, that no man should be imprisoned without being duly brought to trial. Though not quite so old, the Petition of Rights seemed equally to have escaped recollection: it consisted of four parts;—first, that no tax should be imposed without general consent; next, that no arbitrary imprisonments should be allowed without information upon oath, and subsequent trial; thirdly, that the realm should not be governed by martial law: the fourth provision he did not remember, but they had all been equally disregarded. If this course were pursued, it would be utter nonsense to talk of the happy constitution of England; and if it were to be infringed, far better would it be that it should be done by the King than the Commons. Nothing could be more lamentable than that that House should take upon itself to make unwarrantable innovations in the constitution; if the king made attempts of the kind, the Commons might be resorted to for defence; but it would be a mockery to appeal to the Commons, *pro forma*, against its own acts. As this would, probably, not be the last time he should have an opportunity of addressing the House on the question, he would not trouble it farther at present.

Mr. *Wilberforce* acknowledged having represented Mr. Aris, late governor of the Middlesex House of Correction, as a man of humanity, and stated that his authority for having done so, was the rev. Mr. Owen, chaplain-general, who for many months had been in the habit of visiting the prison, and was well acquainted with its condition and management. He requested, in return, that the hon. baronet would deal as candidly with him, and state his authority for the story he had told regarding the bird wantonly killed by Mr. Aris. There were, he confessed, some money transactions in which Mr. Aris was concerned which justified his removal, but he did not recollect that any act was proved against him which amounted to an impeachment of his humanity. With respect to the question before the House, he thought that all the presumptions were in favour of the correctness and legality of the proceedings of ministers, and it was a great mistake to suppose that the character of Mr. Ward had nothing to do with the merits of the motion. If he had stated what was untrue, as was evident, what right had he to ask for investigation, unless indeed that he might be punished as his crimes deserved? Honourable gentlemen from all quarters had borne testimony to the good conduct of gaolers, and in several instances it was established that the petitions contained nothing but a pack of falsehoods. True it was that the House possessed the privilege of inquiry; but nothing was more dangerous to a privilege than its abuse. All ancient constitutions, it was known, had possessed some extraordinary means of meeting extraordinary dangers; and it was the glory of our own, and that which had given it stability, that while sometimes it allowed the infringement of the strict bounds of law, to avoid sudden and imminent peril, it had the faculty of returning unimpaired to its first beauty and dignity. Surely some alteration in the ordinary mode of proceeding was required, when the people of England had resorted to assassination as a trade, as was the case with the Luddites, and when the life even of a judge, venerable for his age, and admirable for his learning, had been threatened, if not attempted, while the perpetrators were to be rewarded by money raised in subscriptions of 5*s.* each! If from the petitions on the table any truth could be sifted, it would be easy for individuals to make themselves acquainted with the facts, and to bring the matter forward upon a future occasion; but at present he (Mr. Wilberforce) trusted that the House would reject an inquiry, the effect of which might be to mark men out for slaughter, and to send witnesses into the country as victims to private malignity.

Sir *F. Burdett*, in explanation, said that Mr. Wilberforce Bird, chairman to the committee upon the House of Correction, had related the story of the robin and Mr. Aris to the House.

Mr. *Wilberforce* asked, if Mr. Bird had spoken from his own knowledge? but no answer was given.

Sir *S. Romilly* observed, that a bill of indemnity being about to be passed, the question now was whether it should be done without inquiry, when gross abuse of the power intrusted was imputed to ministers. He begged the House to recollect, that though bills of indemnity had before been agreed to after the suspension of the Habeas Corpus act, yet never in any other instance than the present, after a committee had sat and made its report; the notoriety of the facts was therefore put out of the case, and a sort of grand jury (most extraordinarily constituted, having power to examine all the evidence for the accused, and none for the accuser) was appointed to make some sort of investigation. Why, then, should not these petitions go before them, or before some other tribunal better selected? It was asserted that people had been dragged about the country in fetters, as proofs to the inhabitants of an existing plot; and the question was, whether unnecessary severity had not been employed; than which there could not be a subject more requiring the interposition of parliament. His principal object in rising was, to refute a statement made by the noble lord, in the humble hope of influencing some few votes, viz. that if the facts stated in the petitions were true, the sufferers would not be deprived of their remedy by the bill of indemnity. How unfounded this assertion was, was evident from his lordship's next sentence, in which he observed, that the bill of indemnity now required would be the same as that of 1801, which in the first clause expressly enacted "that all personal actions heretofore brought, or which might be hereafter commenced or brought against any person on account of any act, matter, or thing done, recommended, directed, ordered, or advised to be done, for apprehending, imprisoning, or detaining in custody any person suspected of high treason, should be discharged and made void." It was clear, therefore, that the parties who had so severely suffered would be deprived of all redress, if the bill of indemnity in question were adopted. He would now say a few words as to the petitions. There were, he believed, 11 of them, from different persons in different parts of the kingdom, and containing different allegations. Suppose three of these should be proved to contain false charges, was it consistent with justice, would his hon. friend who had just spoken assert, that the other eight should be rejected unexamined, on account of the hollowness of those three? He did not mean to say that some acts described by the petitioners were illegal, although they were grossly unjust and inhuman, for according to certain statutes solitary imprisonment was legalised. But who could justify, upon any principle, the transfer of a prisoner from one prison to another without any appearance of necessity. The noble lord had, it appeared, made some preparation to meet the debate of this evening, but his preparation was evidently imperfect, for the noble lord's statements applied only to two or three cases, while it was known that there were no less than eleven petitions before the House. But surely it would not be admitted that the falsifications of the statements of these petitioners should exclude the others from the right to claim the attention of the House. Such a doctrine would not, he presumed to think, be maintained by any just or rational man. For instance, why should the fallacy of other petitioners be allowed to prejudice the case of that poor man Ogden, upon whose hands, at the advanced age of 74 years, 30 lb. weight of iron were placed while he was suffering from a rupture. There was at least some ground for supposing that his petition contained truth; for he had referred to the surgeon, Mr. Dixon, who had attended, and cured him of the complaint produced by the weight of his fetters? He would ask his honourable friend, whether he thought it just to dismiss that petition without inquiry. There were seven other petitions which stood on the same footing, against the truth of which not one syllable had been uttered; and, when he considered what extraordinary pains had been taken to refute the statements contained in some of the petitions, he could not but think that those which had been impeached, were, on that very account, unimpeachable. Silence was a proof that nothing could be said against them. As to the denial given by a gaoler to the statement of a petitioner, he conceived that nothing could be more absurd than the production of such testimony. The hon. baronet had founded a very just argument on the conduct of the House with respect to Aris, on a former occasion; and his hon. friend had, instead of giving an answer, completely mistaken the object of the hon. baronet's observation. The hon. baronet had intended no imputation on him, when he alluded to his testimony in favour of the humanity of Aris, but had justly inferred, that if a member of such integrity and sagacity had been imposed upon in that case, it was not impossible that the gentlemen who that night had spoken in such high terms of different gaolers might likewise have been deceived. What, then, was the deduction from this? Surely not, that no inquiry was necessary, but that the strictest examination should take place immediately. Aris, notwithstanding, the testimonies to his character, was afterwards convicted of the grossest delinquency: and it was not impossible that similar results might follow, if the proper inquiries were to be instituted on the present occasion. His hon. friend had lately said, when a case of enormity was brought forward, "why had not the hon. mover, the member for Shrewsbury, taken pains to make inquiries, and to examine witnesses as to the truth of the allegations?" The hon. member for Shrewsbury answered, that he had examined; that he had seen the witnesses and questioned them in person: yet his hon. friend, instead of being satisfied with this compliance with his own desire and sense of justice, had voted against a motion so founded and supported. He trusted, however, that his hon. friend would retrace his steps. He hoped he had repented of that vote, and would yet make amends. As to Ward's character, it was certainly a bad one: indeed, the only wonder was, that he had not been brought to justice long ago, if indeed he was as criminal as had been represented. It was said, that previous to the Suspension act, he had been in gaol on a charge of felony; if this were the case, he should like to know why he had not been tried—why his life, if the case required it, had not been sacrificed to justice. But this had nothing to do with the allegations in the petitions some of which, notwithstanding the great preparations which had been made by the noble lord, for the purpose of contradiction, had been left completely unanswered. He alluded particularly to the statement of Ward's having been, every alternate four days, thrust into a loathsome cell, from which he was only taken because it was impossible for him to exist in it more than four days at a time; and yet for all this, and for similar abuses of power, an indemnity was to be obtained: and the report which was to warrant this indemnity, was to come from a committee, before which the accused brought only such evidence as they pleased, while the accusers were not allowed to bring any at all. As to the personal character of lord Sidmouth, of which so much had been said, there was no man more ready than himself to do justice to the humanity and excellent disposition of the noble lord; but that was no answer to the charges of misconduct in his agents. He would not say if all the facts in the different petitions were proved, that they were in themselves illegal, but he would say that they were unnecessary and wanton abuses of power. For what could be imagined more cruel than that of which some of the petitioners complained—the privation of freedom and food—of sleep and health? What could be a greater mockery and insult than the parading these men from town to town in open daylight, and loaded with chains; and what possible objects could be answered by such a wretched triumph, except to convince some miserable minds that some extraordinary plot existed against the state? The petitioner, to whom the motion principally referred, was so taken through the country chained to Haynes; but according to the noble lord the latter acknowledged some obligations to the officer by whom he was conducted in those journeys. That some humanity might have been shown by the officer alluded to, and felt by Haynes, was not improbable. It was also probable that the conduct of some of the gaolers was humane; and in his conscience, he believed, that one of the main reasons for the transfer of the unfortunate petitioners from one prison to another, was in order to find the gaoler most likely to conform to the wishes of the ministers by whom those petitioners was committed to prison. His hon. friend who had just spoken thought proper, in one part of his speech, to pass a glowing eulogium on the suspension of the Habeas Corpus, and had referred to the history of ancient republics in illustration of the advantages of suspended liberty: but did not his hon. friend know what was the consequence of those occasional dictatorships to which he had alluded? Did they not at last end in a perpetual dictatorship—in a tyranny never to be shaken off? and for his own part he believed most firmly, before God, that these continual and unjustifiable suspensions of the Habeas Corpus would—unless the House of Commons should do its duty, which it had not hitherto done—end in the complete ruin of our liberties.

Mr. *Ashurst* read a long statement taken from a report made to the magistrates of Oxford, relative to the condition of the county-gaol. It described all the accommodations to be most excellent, and asserted, that the state prisoners confined there returned thanks for the treatment which they had experienced, nor was any complaint made, except by one man, who said that his room had a smoky chimney.

Mr. *H. Sumner* said, it so happened, that he could speak to the falsehood of the allegations in Ogden's petition. With respect to that petition, he could bring forward twenty witnesses to prove, that Ogden himself had contradicted many of the allegations in it. He could speak positively on this subject; for an hon. friend of his, one of the magistrates for the county of Surrey, had visited the gaol, and inquired into the fact of Ogden's case. It certainly was true that the prisoner had been put in irons, but not that he had been heavily ironed: and on a representation being made to the secretary of state, the irons were taken off. It was expressly proved by Mr. Dickson, the most respectable and humane gentleman who was employed to give medical assistance to the prisoners, that Ogden brought into gaol with him the complaint for which he afterwards underwent a skilful and successful operation. So humane had been the attention paid to Ogden, that the man himself had repeatedly expressed his thankfulness to God that being brought to gaol had been the means of curing him of that complaint, which under less skilful treatment than that of Mr. Dickson the prisoner himself said might have terminated fatally—[Hear, hear!]. The prisoner had also expressed much gratitude to the gaoler. So much for the truth of the allegations in this petition, which was the only one among those before the House of which he knew any thing. Some gentlemen, however, wished to persuade the House to believe all that the petitioners stated, and nothing that the gaolers stated in their justification. It must be in the recollection of the House, that an inquiry was instituted some years ago into the state of the gaols of Lincoln and Lancaster, the result of which was, that there was no serious cause of complaint. An hon. baronet must recollect the result of a committee appointed at his instance to inquire into the grievances of a foreigner of the name of Colville, who had been taken up and imprisoned. The result was, that the committee was unanimously of opinion that there was no truth in the allegations of the petitioner, as to cruel treatment.

Sir *F. Burdett* declared, that his only reason for pressing no objection to the decision of the committee alluded to, was simply this, that he saw all the other members of that committee, were unanimous against him; but still his own opinion was, that Colville had been most cruelly and unjustly treated.

Mr. *Sumner*, with great warmth, appealed to the House, whether they did not recollect the hon. baronet's concurrence with the report.

Sir *F. Burdett.*—I have just told the hon. member, that I did concur in that report, and I have also just told him my sole reason for so doing.

Mr. *Bennet* observed, that the complaint made by Ogden was, that the disease with which he had been afflicted, and of which he was so ably cured during his imprisonment, was produced by the chains and irons imposed upon him. The inquiry before the magistrates on this subject was confined to the case of the Evanses. There was nothing in the representation of the hon. gentleman that contradicted the statement contained in the petition. He believed the case of Bagguley was fairly stated, nor did the letter read by the hon. gentleman disprove any of the circumstances which were described as having taken place in the gaol at Oxford. As to the statement that he had been plunged into a cold bath, he could only say that he had conversed with the petitioner since the statement had been contradicted, and that he said he was willing to prove it by his affidavit. As to its being said that the petitioner had refused to attend at church, he begged the House to observe the reason given by the petitioner, which was, that he would not consent to sit in the same pew with a prisoner in a felon's dress. The account of the treatment experienced by Mr. Knight at Reading, threw no imputations on the gaoler. It was of being carried to Salisbury gaol, a gaol of which no hon. member had spoken or would speak in commendation, and of being again removed to Worcester, that he complained. The only reason that he could conceive for thus parading him about the country was, to create alarm, and withdraw him from the observation of the Berkshire magistrates who were not sufficiently subservient to the minister of the day. He believed all the facts stated in the petitions to be true, and he would therefore vote for the motion.

Mr. *Philips* rose for the purpose of confirming his hon. friend's representation of Ogden's case. The fact alleged was, that the distemper had been so much increased by the treatment he received, as to render a severe operation necessary, though it was undoubtedly fortunate that it had been successfully performed.

The *Attorney General* said, he had attentively read Ogden's petition, and thought it clear, that the statement in it was intended to create a belief, that an old man had been seized with a violent malady in consequence of the weight of irons which had been imposed upon him. However the detention of persons charged with offences against the state might be justified under the late act, and admitting that a bill of indemnity, on the precedent of that of 1801, should be passed by parliament, he begged leave to say, that such an act would not indemnify a gaoler for any cruelty or excess beyond that restraint which was necessary to the safe custody of the prisoners. He would still remain prosecutable criminally, and liable to answer to the party injured in a civil action. A question might arise whether, when a person so charged was apprehended in a disturbed district, it might not be proper to place fetters on his limbs to prevent the danger of an escape. If done for this purpose, and without any unnecessary rigour or violence, it was legal and justifiable. His hon. and learned friend had, he apprehended, no colour for saying that some of these unfortunate men had been removed to different prisons, and exhibited in different parts of the country, for the purpose of exciting alarm. The secretary of state had two duties to perform; first, that of keeping them in safe and close custody; and, secondly, of rendering their situation in every other respect as comfortable as possible. With respect to their being sent to distant prisons, the motive was, and he took upon himself confidently to assert it, with a view to the comparative comfort of the detained. What complaints would the House not have heard, if these persons had been huddled together in the crowded prisons of the metropolis! The noble lord who brought forward the motion seemed to think, that when a man was once lodged in gaol upon a charge of treasonable practices, the door ought to be hermetically sealed upon him till the day of trial arrived. But by the law of this country although a justice of the peace could not discharge after commitment, and before indictment, a secretary of state might, and, without the assistance of any suspension act, arrest on a charge of treason, and afterwards discharge his warrant if he thought the accusation could not be substantiated.—It had been also said, that were it not for the spies and informers employed by government there would not have been any real disturbance in the country;—that no explosion would have taken place. His opinion was, that the explosion would have been very different. From the information received from those informers, compared with more creditable evidence a great explosion was prevented. The actions of the conspirators were paralysed, the link which connected the chain of treasonable confederacy was broken, and the country was saved from the most unhappy events. At the same time he would inform the House, that not even one individual had been deprived of his liberty for a single hour, on the evidence of any of those informers [Hear!]. The informers served government merely as an index to point out more creditable evidence, and unless where the evidence of such persons was corroborated by undoubted testimony, it was not in any instance acted upon. He contended, that all the allegations of these petitions, as far as they had been examined, were falsified: and that the noble secretary of state had, by his great exertions, broken the link of a confederacy which threatened society with all the evils of universal pillage and disorder. If that simultaneous movement which had been proved to be in contemplation, had been suffered to take place, and the expected multitude from the North had joined the disaffected in other quarters, what justification would then have been received, on the part of the noble secretary of state, for not having exercised the powers with which parliament had armed him, and for a dereliction of duty which had led to such destructive consequences.

Mr. *Lamb* wished to say a few words in explanation of the vote which he should give. The chief allegations in the petitions were for unjust detention. The allegations of ill-treatment were comparatively few. If the motion had been for a committee to inquire into the truth of the allegations of ill-treatment, he would not have objected to it. But the present motion was in such general terms, that it involved questions which ought not to be sent to a committee, especially while there was a secret committee now sitting by appointment of the House, whose inquiries were directed to the general question. With this view he felt it his duty to vote against the motion.

Lord *Folkestone*, in reply, observed, that had it been wished by ministers that the committee for which he had moved should be a secret committee, he, for his part, should have had no objection, and would have willingly met the proposal made by the last speaker. Upon a review of the defence made by the members of administration, he felt satisfied there had been no case made out which would warrant a British House of Commons in refusing to refer the petitions to a committee.

The House divided: Ayes, 58; Noes, 167.

List of the Minority.

Althorp, visc.
Atherley, Arthur
Aubrey, sir J.
Barnett, Jas.

Bennet, hon. H. G.
Birch, Jos.
Brand, hon. Thos.
Brougham, Henry
Browne, Dom.
Byng, Geo.
Burroughs, sir W.
Calcraft, J.
Calvert, Chas.
Campbell, hon. J. F.
Carter, John
Coke, T. W.
Cochrane, lord
Duncannon, visc.
Douglas, hon. F. S.
Fazakerly, Nic.
Fergusson, sir R.
Frankland, Robt.
Gordon, Robert
Guise, sir W.
Hamilton, lord A.
Heron, sir Robt.
Howard, hon. W.
Hurst, Robert
Latouche, Robt. jun.
Latouche, J.
Lemon, sir W.
Lyttelton, hon. W.
Macdonald, Jas.
Mackintosh, sir J.
Martin, John
Mildmay, sir H.
Morpeth, visc.
Milton, visct.
Monck, sir C.
Neville, hon. R.
North, Dudley
Ord, Wm.
Ossulston, lord
Philips, George
Ponsonby, hon. F. C.
Ramsden, J. C.
Ridley, sir M. W.
Romilly, sir S.
Scudamore, R.
Sharp, Richard
Smith, John
Smith, W.
Symonds, T. P.
Tierney, rt. hon. G.
Waldegrave, hon. W.
Webb, Edward
Wilkins, Walter
Wood, alderman

TELLERS.

Burdett, sir F.
Folkestone, lord

HOUSE OF COMMONS.

Wednesday, February 18.

MOTION FOR A COMMITTEE ON THE STATE OF THE CITY PRISONS.] Mr. Alderman *Wood* rose, pursuant to the notice he had given on this subject. It would, he said, be unnecessary for him to take up the time of the House by any arguments in support of the motion which he intended to submit. That some evils existed in the City Prisons was admitted by most of the honourable members who had spoken upon the subject. He himself admitted that something, and a good deal, might be done for ameliorating the condition of the prisoners, and also, that some alterations in the prisons themselves were necessary; but he could not allow that all the complaints which had been made in the House on the subject were well-founded. When a greater number of prisoners were confined in the prisons than was convenient, the noble secretary of state, whose particular department embraced a superintendence over them, was always most ready to remove the too great number. With respect to the complaints which had been made against the magistrates of London, he thought they were unfounded, and he was certain that his hon. friend (Mr. Bennet) would find it so on more strict inquiry. No man had a higher respect for that hon. gentleman than he had, and no man was better aware of the great good which his humane exertions had produced; but he believed the hon. gentleman would find himself mistaken in imagining that any of the evils of which he had complained had arisen from the neglect of the magistrates. The fact was, the magistrates did as much as was in their power. If there was an evil existing,—and without meaning to impute blame to any quarter, he should say there was—it arose from the inability of the magistrates to commit to any other prisons than those they now do. This produced an almost constant crowding of one or two prisons. Since he became a magistrate the number of prisoners transmitted to Newgate from Middlesex was increased in the proportion of seven to one. Another evil which existed, and which applied rather to the prisoners than to the prisons, was that of sending off so many in the same vessel for transportation, and sending them at inclement seasons. One instance of the bad effects of that system he would state, and he did so from the best authority. In February 1814, a ship was sent off with 200 convicts for New South Wales, and out of that number not less than 50 died on the passage. The reason was, they were sent out in a cold season; they after, when they got beyond the line, got into a very warm climate, and then again into a cold one, when sailing in the high southern latitudes. This was a circumstance which he conceived required investigation, at least which called for that consideration which might prevent a similar evil. His object on the present occasion in saying what he did was not with a view of defending the magistrates, for he thought their conduct needed no defence; but he was anxious the House should know that a great deal of what they wished to do with respect to prisons was at present out of their power. He concluded by moving, "That a committee be appointed to examine into the state of Newgate and the other prisons within the city of London and the borough of Southwark, and to report their observations together with the minutes of evidence taken before them, to the House."

Mr. *Bennet* observed, that it was not his intention to oppose the motion, but he wished to offer one or two remarks on what he had said upon the subject on a former occasion. It was true what he then stated, that one of the great evils in Newgate was the crowed state of it. This great number of persons rendered it almost impossible to prevent the mixture of persons which might now be observed. The old and the young, the veteran criminal and the juvenile depredator, were indiscriminately huddled together, There was no school where the young prisoners might be taught something, nor any separate place where they might be kept free from the contamination of more vicious persons than themselves. But this was not the only charge which might be made with respect to Newgate. He would show to the committee about to be appointed, that the clothing of the prisoners was by no means attended to. He had seen, in a recent visit to the prison, a child who might be said to be literally naked. He had no shoes or stockings, no small clothes, and with the exception of a few rags which hung about him, he had nothing to screen him from the inclemency of the weather. This child had been seen in that state by the sheriffs and the magistrates, and no relief had been afforded to him. He did not attach particular blame to them, but he could not see the child in the state he was without believing that blame rested somewhere. The next thing which he had to complain of was, that the prisoners had not a sufficient supply of wholesome food. What they had was bad and scanty, and, indeed, those of the prisoners who were not assisted by their friends, might be said to be in a starving condition. The appearance of many of them bespoke their wants; and he could tell if a number of prisoners were before him, who had been longest in prison from that *squalor carceris* which was visible in their appearance. The bread which was served out to them was of the very worst quality. This he should be able to prove before the committee, and it was acknowledged by those whose duty it was to look to such matters; for within a few days, and since the present motion had been noticed in the House, the baker who usually supplied the prison with bread, had been changed for another person. When the committee should visit the prison it was more than probable they would find it in a much better situation than that in which he had seen it, for he understood that the court of aldermen had, within a few days, taken great pains to have it cleaned, and such was their anxiety to have it in order before the arrival of any of the committee to examine it, that they had not even respected the Sabbath. It appeared that the whole of last Sunday a number of persons were employed in putting several parts of the prison which had been previously out of repair, into some tolerable state, which might bear inspection. It was probable that if the committee examined it, it would appear in the court dress in which it had been put, in the expectation of its being reviewed. He did not, as he said before, intend to offer any opposition to the committee; but he hoped that when it should have terminated its inquiry, the prisons would be put into something like a state of cleanliness, and order, and that they would no longer continue what they now were — the scenes of wretchedness, and the schools of vice.

Sir *W. Curtis* complained, that the statements made by the hon. gentleman were highly exaggerated. He did not mean to charge the hon. member with stating that which was not true; but he considered that the statements would not bear him out in the way he put them. It had been said, that the provisions given to the prisoners were scanty as to quantity, and their quality was bad. He denied the fact. Every prisoner was allowed four pounds of good meat per week, and 14 ounces of bread per day; and he had no hesitation in saying, that the bread was of as good quality as any gentleman in the House would desire to eat. The hon. gentleman had said, that preparation had been made in the prison within a few days in order to receive the committee; but he could declare, upon his honour, that no alteration whatever had been made with that view, and that no hints, as far as he could learn, had been given to any person of the intended visit of the committee. It was true that some of the windows had not long ago been wantonly broken by the prisoners, and the magistrates refused to have them repaired, unless the prisoners themselves undertook it, or gave up the names of those who were concerned in it. The prisoners refused to give up the names, and they were made to feel the effects of their own ill-conduct. With respect to the work which had been done on Sunday, he could only say, that he had not heard of the circumstance before. But he would ask the House whether it was right, that they who were imprisoned for their crimes, should be supported in luxury? They were not sent to prison with a view of consulting their particular inclinations, but in order that they might be punished for their misconduct. The treatment they received beyond what the law ordered was not severe, and their comfort was studied as much as was necessary to persons in their situations.

Mr. *Bennet* said, that most of what he had stated had fallen within his own observation. He had seen and tasted some of the bread lately in use, and he found it sour and disagreeable. He had himself made inquiries on the subject, and it was admitted to him that the bread before in use, was bad, that formerly it used to be baked in tins, but that at present it was made like the bread in common use. With respect to the white-washing and the cleaning of the prison, he had seen it himself, and the worthy baronet might also have seen it, if as a magistrate he had attended to his duty and been present.

Mr. *Warre* gave full credit to the statement made by his hon. friend, as to the probability of the prisons appearing in a court dress on the day the committee might visit them. He remembered that when as a member of a committee appointed about two years ago to examine into the state of the borough Compter, he went with some of his brother committee men to inspect it; they found glaziers, bricklayers, &c. as numerous almost as the prisoners, busily employed in making arrangements for the visit of the committee, which was, however, made a little sooner than they expected it. He had no doubt that recourse would be had to similar expedients at present. With respect to the necessity of a strict and frequent investigation of the state of the prisons, there could not exist a doubt in the minds of any who had given the subject the slightest consideration. He would state to the House one case which called loudly for inquiry. It was not a case resting on report. It was on the sworn depositions of several persons. It was the report of an inquest held before Hugh Lewis, esq. the coroner, on the body of a man, named John Birdie, aged 37, who died in Tothill-fields prison. From the deposition of the turnkey it appeared, that the deceased had been confined along with twenty seven persons in a room which was only ten feet by six. It appeared farther on the inquest, from the evidence of Mr. Hanbury, the surgeon, that his death was caused more from want of proper nourishment than clothing. After the coroner had examined Mr. Hanbury, and questions had been put to him by several of the jurors, the turnkey was again called in and examined, and from his very great prevarication in his evidence, the coroner threatened to commit him. Now, he would ask, whether with such evidence of the misconduct of that man, he had since been dismissed from his situation? He should beg the attention of the House to the result of the inquest. The jury sat about three o'clock, and after having heard all the evidence, they retired for a short time, and about nine o'clock they returned a verdict, "that the deceased came by his death from the want of proper nourishment and medical attendance." This matter he conceived called for most particular inquiry, and he trusted such inquiry would be made.

The motion for the committee was then put and agreed to, and a committee appointed.

CHIMNEY SWEEPERS REGULATION BILL.] On presenting a Petition from York in favour of this bill,

Lord *Milton* said, it was not his intention to offer any remarks on the nature of the bill which had been brought in by his hon. friend. He thought it was one which did his hon. friend much credit, and he wished it success; but he could not avoid expressing his opinion, that his hon. friend was proceeding too hastily. There were, it was known, many chimneys which could only be swept by climbing boys, and which would be rendered useless if the present bill was passed. Under these considerations, he thought it would be better for the House to adopt a middle course, and without making such a general enactment at once to give particular encouragement to those persons who swept chimneys by means of machinery. If this were done, and a heavy tax laid upon the employment of climbing boys, he thought it would in the course of time have the effect of abolishing the practice altogether.

Mr. *Bennet* said, that the number of petitions which had been presented to the House was a proof that the present practice was very generally admitted to be an evil, which ought to be got rid of as soon as possible. It was with that view he had brought in his bill, and now an objection was started, that there were a number of chimneys too small to be swept in any other manner than by the use of climbing boys. It was true there were a great many chimneys of that description, but they belonged to those who could well afford to alter them if they pleased. But it was in that very description of chimneys that the greatest danger to the lives of the climbing boys existed. Not fewer than five children had lost their lives by such means, in the course of the last year. Nor was this to be wondered at, when it was known, that in some houses recently built, the chimneys were only seven inches square, and that the children employed to sweep them could not be more than four or five years old. Yet with such facts admitted, was it to be said, that the House was proceeding in a hurry? In a hurry to do what? To save the lives of those poor little creatures who were constantly exposed to death, and that too of the most terrible nature. But it could not fairly be said that he wished to proceed in a hurry, if he proposed to make the bill operative in 1819, in order that time might be given to all the parties affected by it, to make those alterations which the new mode of sweeping chimneys would require. He could not agree in what had fallen from his noble friend; it would have the effect of sacrificing the children of the poor in order to preserve the chimneys of the rich—a thing so monstrous in itself, that he was certain no man would let it dwell in his thoughts for a moment.

Lord *Milton* hoped his hon. friend would recollect, that his objections were not made to the proposed measure *per se.* They only went to effect a more mature consideration of the probable consequences of it. It should be considered, that the measure might probably be viewed differently in another place, where measures upon which the House had been unanimous, were altogether rejected. This made it necessary to examine the matter minutely before a final decision was given.

Mr. *Lyttelton* trusted, that the House would not neglect any thing which it was their duty to do, from a consideration of what might be done in another place. He had, however, no doubt that the humane and energetic arguments which his hon. friend had used in support of the measure, would also have their effect in the other place alluded to. With respect to a tax on the use of climbing boys, he thought that such a plan would not have the intended effect. It might operate certainly in raising the prices for the sweeping of chimneys, but it would still lay the same road open to abuses as before; for the rich would have the means of paying for the use of boys in sweeping, and would thereby be the means of encouraging the sacrifice of human life, which it was now sought to avoid.

The petition was ordered to lie on the table.

GAME BILL.] Mr. *G. Bankes* said, that in the motion which he was about to make, he expected the support, not of those members alone who were anxious to protect the game of the country, but of those also who were solicitous to diminish the number of offences connected with the unlawful destruction of game. Most of these offences would be got rid of, if the legislature could effectually prevent the buying and selling of game; for it seldom happened that poachers killed game for sustenance, or for the mere gratification of their own tastes. As the law stood at present, all persons, qualified and unqualified, were forbidden to sell game. Unqualified persons were also virtually forbidden to purchase game, but there was no such restriction on qualified persons. His wish was to put all persons on the same footing in this respect; and by the bill, for which he was about to move, to enact, that all persons, qualified or not, should be liable to the same penalties for buying game as those inflicted by the existing law on unqualified persons so purchasing it. The hon. gentleman then moved, "That leave be given to bring in a Bill for the farther preventing of offences connected with the unlawful destruction and sale of game."

Mr. *Curwen*, thought the proposition of the hon. gentleman quite inadequate to the attainment of the object in view. It would only go to make the game laws still more odious than they were. He was by no means one of those who thought this not a fit subject for legislation. On the contrary, he was fully impressed with the advantages of increasing the inducements to gentlemen to reside in the country, by protecting the game for their amusement. But while the present oppressive and unjust code of laws existed on the subject, it was in vain to think of putting an end to the crimes which they generated. At present the right of game was confined to landed proprietors. Now it was well known that in this country the proportion which commercial property bore to landed property, was as seven to one. He could see no objection to making game private property, up to a certain extent, and to doing away all qualifications not founded on property. Severe penalties were never productive of the effect intended by them. While the plundering of a farmer's field of turnips and such articles was felony by law, the practice was general, as the punishment was too severe to be inflicted; but as soon as it was reduced to a moderate fine, the practice entitely ceased. He strongly recommended the hon. gentleman not to content himself with so inefficient a proposition as that which he had just made, but to go to the root of the evil, and endeavour to reform the whole system of the game laws. As to making the purchase of game penal, the only consequence would be, that the smaller culprits would be punished, while those of more importance would escape. For instance, such an individual as the lord mayor of London must have game. He would not purchase it himself, but others would purchase it for him; and this would take place, whatever statutes the legislature might enact.

Mr. *Warre* was surprised that his hon. friend could imagine that in the present state, temper, and constitution of society, any legislative measure could effectually prevent the sale of game. But two years ago an hon. member brought in a bill on this subject, the enactments of which were so severe that it was deemed expedient to repeal it last session. The hon. member who had just sat down, had given his hon. friend good counsel, although it would be no easy task to set about reforming the whole system of the game laws. On this subject he had that morning met with a passage in Mr. Justice Blackstone, which he would read to the House. It was as follows:—"Though the forest laws are now mitigated, and by degrees grown entirely obsolete, yet from this root has sprung a bastard slip, known by the name of the game law, now arrived to, and wantoning in, its highest vigour: both founded upon the same unreasonable notions of permanent property in wild creatures; and both productive of the same tyranny to the commons; but with this difference, that the forest laws established only one mighty hunter throughout the land, the game laws have raised a little Nimrod in every manor."*

Mr. *G. Bankes* professed himself wholly incompetent to execute the task which the hon. member for Carlisle wished him to undertake. All he desired was, to make the game laws something better if he could. The omission which the proposed bill tended to supply, appeared to him to be a casual one, and easily to be remedied.

Sir *C. Burrell* thought the bill proposed by the hon. gentleman would be beneficial, by putting the rich and the poor on an equal footing. It had been most justly said by the late Mr. Fox, that, without a violation of the laws of property, he could not see how the game laws could be much altered at present.

The House divided: Ayes, 60; Noes, 28.

NORTHERN CIRCUIT.] Mr. M. A. Taylor, pursuant to the notice he gave yesterday, moved, "That a Select Committee be appointed to consider whether any and what steps may be necessary to be taken to give to the counties of Westmorland, Cumberland, Northumberland, and Durham, and the town and county of Newcastle upon Tyne, the same advantages of assizes twice in each year as are now possessed by all the other counties in England and Wales; and to report their opinion thereupon to the House."—The motion was agreed to, and a committee was accordingly appointed.

ELECTION LAWS AMENDMENT BILL.] Mr. *Wynn* having moved the farther consideration of the report of this bill, said, he was desirous of proposing a clause, which might obviate an objection made when the bill was going through the committee. The objection was, that in some counties there were separate general sessions of the peace and quarter sessions, holden for the different divisions of such counties, and that in such places the session might elapse without the bill being taken any notice of. To prevent this, he should propose the following clause:—"And whereas in some counties there are separate general sessions of the peace, and quarter sessions holden for the different divisions of such counties: be it further enacted, that in all such cases the high sheriff shall summon a general session of all the justices of the peace for such county, by public advertisement, to be holden at such place where such general sessions or meetings are usually holden, upon some day not more than two months from the passing of this act, for the purpose of carrying this act into execution; where such appointment of the number of the polling places for such county shall be made, subject to the like regulations herein before directed."—The clause was agreed to.—Mr. Wynn then said, that on the suggestion of the member for Rochester, he should propose an amendment to the ninth clause; although it did not occur to him that in its present state it could produce the inconveniences he apprended.

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* 4 Comm. 416.

Mr. *Barnett* feared it would be attended with some evil, if, according to the provisions of the clause in question, it became necessary that 400 voters should have polled on the second day. He knew that in the place which he had the honour of representing, the question of residence was frequently agitated, and often gave rise to such delay as would render it very difficult to poll 400 voters by the close of the second day.

Mr. *Wynn* said, that the bill provided for the erection of many booths in which the undisputed voters might be received. There was, besides, to be another booth in which the returning officer should sit to decide upon any such questions as that of residence. This would, in his opinion, obviate the inconvenience. The returning officer would thus be enabled to settle disputed cases, while the poll was going on without interruption in the other booths.

Mr. *Lamb* said, he felt considerable alarm from many provisions of the bill. The necessity that 400 voters should have polled on the second day, unless it could be proved that they were prevented by riot from making their appearance, went to place a dangerous kind of power in the hands of the returning officer. That power being subject to inquiry before the House, would be hardly a sufficient guard against the abuse of it. The returning officer by this means might be enabled to decide immediately upon the election of a candidate, in cases where, if not prevented by riot from voting, the other candidate might have had a superior number of electors. It might frequently happen, as it did in the late election for Norfolk, that a candidate could not bring up a sufficient number of voters at the time provided by the act. For these reasons he was desirous that such parts of the bill as were questionable might be either postponed or their operations merely tried at any elections which might take place during the sitting of the present parliament.

Sir. *W. Burroughs* would agree that there were some objections to the bill. In the borough which he represented, many of the electors lived at some distance from the place in which the election was held. Some as far as ten or twelve miles. The bill, with respect to many, would have the effect either of disfranchising them, or of throwing upon candidates the unnecessary expense of bringing up non-resident electors. He feared that some of its provisions held out no small temptation to riot.

Mr. *Wilberforce* said, it did not appear to him, that it was too much to require, that 400 voters should have polled on the second day. The clause, which made an exception to this, in the event of riot, so far from encouraging that evil, would, he thought, contribute to lessen it. Persons would then be more cautious in commencing any disturbance to prevent voters from attending at the polling places, because such disturbance would naturally give rise to a suspicion that it originated in unworthy motives. The bill did not require that each candidate should, on the second day, have polled 400 voters, but that 400 on the whole should have voted. As to the inconvenience of bringing up non-resident voters, he believed, whatever the candidates might feel upon the score of expense, that such voters had no objection to come occasionally as well to see their friends, as from some other little considerations that might be of service to them. The clause could not be attended with inconvenience to the candidate, whose strength lay principally in non-resident voters.

Lord *Milton* did not think that the clause in question could be attended with the inconveniencies which some gentlemen seemed to apprehend. The committee to which the measure was referred for consideration, were not of opinion that to require 400 persons to have polled on the second day, could be of any inconvenience. An objection was made in the committee, that an unfair advantage might be taken of the clause against those candidates whose strength lay principally in non-resident electors. He did not think that any danger of an unfair election could arise from this. The only thing he wished to suggest was, that throughout the bill, wherever the word polled occurred it might be struck out, for the purpose of inserting the words "tendered their votes." This, in his mind, would be a considerable improvement.

Mr. *Marryat* feared that the bill would throw an unnecessary expense upon candidates, by obliging them to bring up voters at a time when there was no occasion for them. For this and other reasons he was desirous that it should be postponed.

Sir *W. Burroughs* could not but apprehend that the bill would cause great inconvenience and unnecessary expense, in many cases, to candidates whose strength lay in non-resident electors. In the heat of an expected contest they would naturally be induced to bring up as many voters as the bill required, even when there was no occasion for them.

Mr. *W. Smith* said, he knew many instances of election, in which 400 voters were nor polled on the two first days, nor upon any day up to the tenth. The clause requiring that such a number should poll, would have the effect of placing within the reach of the returning officer a great degree of partiality in the exercise of his power. He might continue to object to any single vote even for the space of two hours.

Mr. *Wynn* said, that the number of booths for receiving votes which the bill provided would obviate the inconvenience apprehended. It did not matter how long the returning officer might be deciding upon a disputed vote, because, in the meantime, the election would be going on in the other booths. From all he had heard upon the subject, the opinion seemed to be, that any candidate who, on the two first days, was not able to bring up 400 electors, could have no chance of success. Such being the case, would they now, by postponing the bill, leave all the cities and counties throughout the kingdom subject to the inconvenience, and candidates to the unnecessary expense of a protracted election? This might be done as the law stood at present, by any individual who could on each day bring up seven electors. There were numerous instances of this. In Devonshire the poll was kept open for three days by a person who had only nineteen votes. In Bristol it was not closed for nine or ten days. In the county of Berks it was kept open for fifteen days by an individual who could bring forward only 500 votes. He remembered a borough, in which there were only 200 electors, and in which the poll was not closed in it for eleven days. Such were the evils which were intended to be provided against by the measure. Knowing that they existed, he would submit it to the House whether it would be politic to postpone the bill to a more distant period.

Mr. *Lushington* expressed his hopes, that the bill would be put into such a shape as would secure its passing into a law.

Mr. *Brougham* said, he was a friend to the principle of the bill, and to most of its details; but he had some doubts as to the number of 400. Perhaps it would be better to have a smaller number of voters or a greater number of days. An objection might also be made to throwing the expense of the candidates upon the electors, and perhaps the present time might be regarded as peculiarly unfit. The clause respecting the assessment to the land tax, was much to be approved of, as since the redemption of the land tax the present mode was almost equal to a forfeiture of the qualification.

General *Thornton* was of opinion, that the clause would increase the expense of bringing down the outlying voters; an exception should therefore be made in their favour, or else the clause should be withdrawn. Instances had occurred of the poll having been kept open after the third candidate had withdrawn, to enable the second candidate to get to the head of the poll.

Sir *W. Burroughs* said, that the bill ought to be recommitted. Should that not be agreed to, he should feel it his duty to move that the House be counted.

Mr. *Wynn* thought he had cause to complain of the proceeding of the hon. gentleman, as the bill had already been put off for ten days, that there might be ample time to consider the subject. He should move that the bill be re-committed for to-morrow, and he hoped it would be read a third time the next day. If gentlemen would look to the case of Norwich, they would find that 3000 voters had polled in the course of two days. That fact appeared to him a sufficient justification of the clause in the bill respecting the 400 voters that were required to poll in the course of two days.

The bill was ordered to be recommitted to-morrow.

HOUSE OF LORDS.

Thursday, February 19.

Exchequer Bills Bill.] The House having resolved itself into a committee on the Exchequer Bills bill, Earl *Grosvenor* felt it his duty to say a few words before the bill should pass through the committee. He had hoped that their lordships would have heard something on the subject of economy in the Prince Regent's speech, but in that expectation the House and the country had been grievously disappointed. Notwithstanding this omission, it was a notorious fact that the finances of the country were in a most deplorable state; for the income, though a boast had been made of the improvement of the revenue, did not cover the expenditure by many millions. In this situation it was reasonable to have hoped that ministers, if they neglected to bring forward the subject on the meeting of parliament, would at least have done something at a very early part of the session, to encourage the expectation of their being disposed to resort to that system of reduction and economy which could alone avert the ruin that threatened the country. No indication of any such disposition had, however, been given; and now, after three years of peace, the country had still to endure a weight of unnecessary expenditure. He had formerly alluded to reductions which ought to be made, and was still of opinion that considerable savings might be effected in different branches of the public expenditure, and particularly in that of the army. If the army on the frontiers of France were recalled, a more economical arrangement with respect to the military force might be made. While in a state of peace, was it not most absurd to persist in maintaining an army of 100,000 men? Notwithstanding what had fallen from a noble earl with regard to the state of France, on the first day of the session, he could not agree with him as to the danger of withdrawing the army of occupation. He could not partake entirely in the view of that noble earl, and was rather inclined to believe that time had removed many of the objections which might have been urged against withdrawing the allied troops. He agreed with the noble earl in thinking, that the occupation of the throne of France by the Bourbon family was most favourable to the interests of Europe, as well as of France, provided they adhered to constitutional principles. This, he was persuaded, was felt to be the case, in that country; and though there might be different parties there, and though he carried his opinion as to the supporting the present French government, as far as he believed that opinion ought to be carried, yet he could see no necessity why any part of the military force of this country should be maintained on the French frontiers. Whether Buonaparté was popular in France to the extent which had been stated, he could not pretend to determine; but however popular that person might be, he trusted that this country would not be so unjust and impolitic as to completely mix itself in the domestic affairs of another. To a certain degree he was ready to admit that interference might be a duty, but with domestic parties we had really nothing to do. Feeling and lamenting as he did the state of the finances of the country, he could not help expressing his surprise at finding a measure like the present in progress through their lordships House. That there should be thirty millions of exchequer bills afloat, in addition to the other circulating paper, was a very melancholy consideration. The serious importance of the measure would be appreciated when their lordships considered that the issue now proposed equalled any that had ever been made in this country during the late long and expensive war. It must be evident that this increased circulation of paper tended more and more to depreciate the regular coin of the realm, and to render more difficult, if not entirely to prevent the removal of that restriction on the payments of the Bank which all their lordships so seriously deplored. Impressed with these opinions, he could not suffer this important measure to go through the committee without calling their lordships attention to it.

The Earl of *Liverpool* said, he did not wish to enter into any discussion on the questions respecting the army of occupation and the family of Bourbon, which the noble earl had started. With regard to the subject of finance, the noble earl had gone so far as to state, that the income of the country was many millions below the expenditure. He should only say, that when the accounts were fairly before the House, he should be prepared to meet the noble earl on this question. Then would be the proper time for any discussion which the noble earl might think proper to bring forward; but he would then find that the opinion he now entertained was most erroneous. The noble lord had complained of the superabundance of exchequer bills; but if he inquired into the real state of the case, he would find that there was, upon the whole, a reduction, and that the interest was very little more than 2 per cent. Another complaint of the noble earl was, that nothing had been done in the way of economy and reduction. On this subject, too, he was perfectly ready to meet the noble earl, when the proper time for discussion came. But the noble earl could not fail to know from the journals of the other House of parliament, that the peace establishment of the country had undergone the serious consideration of a committee in the course of the last session, and that measures were then taken for reducing the different departments of the public service to the lowest scale on which they could with propriety be placed. The noble earl, it appeared, thought those establishments still too great; and that might be a subject of inquiry when the question came regularly before their lordships; but it had nothing to do with it at present. The noble earl had said, that a saving might arise by withdrawing from the frontiers of France that part of the army of occupation which belonged to this country; but on what foundation did he rest that opinion? Could he show that the recall of our army would be any saving whatever to the country? The view which the noble earl appeared to have formed of the expense of that army was totally erroneous; and however desirable saving might be, he must look for some other sources of economy than the reduction of a force by which little or no expense was incurred. With regard to the revenue, he assured the noble earl that it more than covered the expenditure.

Earl *Grosvenor* expressed himself not satisfied with what had been done in the way of reduction, in consequence of the institution of a committee by the other House of parliament; and was of opinion, notwithstanding what had been said by the noble earl, that a considerable expense was incurred by this country in maintaining the army on the frontiers of France.

The Earl of *Lauderdale* was surprised to hear what had fallen from the noble earl on the subject of the finances. Did he mean to say, that the revenue of this country was capable of covering the charges on the consolidated fund, and all the present expenditure?

The Earl of *Liverpool* wished to be understood to say, that the whole revenue of the country, in which he included the sinking fund was more than sufficient to cover all ths charges on the national debt, and all the other expenses of the government.

The Earl of *Lauderdale* wished to remind the noble earl that the sinking-fund amounted to nearly fifteen millions. Was this then to be understood as the noble earl's proposition—that after deducting fifteen millions, this country possessed a revenue capable of covering the present expenditure, and paying the interest of the debt?

The Earl of *Liverpool* said, he never intended to state any such thing. The noble earl could not suppose that he meant to assert that the country had an excess of revenue amounting to fifteen millions.

Lord *King* maintained, that, in that case, the sinking-fund was merely nominal, and that no part of the debt was actually discharged by it, there being no excess of revenue over the expenditure.

The Earl of *Liverpool* denied this conclusion, and contended, that, including the sinking-fund, there was an actual excess of revenue over expenditure, and that to the amount of that excess (upwards of two millions) there was an actual diminution of the aggregate amount of debt.

The bill went through the committee.

PETITIONS COMPLAINING OF THE OPERATION OF THE HABEAS CORPUS SUSPENSION ACT.] Lord *Holland* wished, before the House proceeded to the order of the day, to call their lordships attention to two petitions, which he had to present. The subject of these petitions was similar to that which his noble friend had presented the other day, and on which he was now about to make a motion. They had been put into his hands not two hours before he came down to the House, and though he had not had time to read them minutely, he could say that their titles were correctly worded and that they were couched in in language which he considered decorous and respectful. They both complained of the execution of the act for the suspension of the Habeas Corpus. The first came from a person of the name of Knight, and stated several circumstances of cruelty which were worthy of inquiry, and described a variety of sufferings which the petitioner had undergone in consequence of his being arrested, fettered, imprisoned, and finally compelled to enter into recognizances. He knew nothing of Mr. Knight; but in presenting this or any other petition, he wished it to be understood, that he neither vouched for the truth of the statements which it contained, or the character of the individual from whom it came. It was his duty to bring the complaint under the notice of the House. The second petition was from a man respecting whose character he had heard reports, but as they were not of a favourable nature, he should not state them. His name was Mitchell, and he also stated that he had suffered severely in consequence of being unjustly imprisoned. As he had before observed, he could not vouch for the truth of the allegations in these petitions; but he thought it no way surprising, that persons who had suffered unjustly should sometimes state their case with a degree of aggravation, nor could he regard that as a reason for not inquiring into the facts. It was fit the petitions should be laid on their lordships table, whether the injury complained of was attributed to ministers, or to persons of inferior authority. He had made these remarks, because he knew from experience, that when complaints were made of the violation of the laws and constitution, it was often endeavoured to identify the individual who brought forward such complaints with the cause of the persons into whose statements it was proposed to inquire. He was standing up for the laws of the country, and not for the character of the petitioners, or the accuracy of their statements.

The petitions of John Knight, and of Joseph Mitchell were then read. They were couched in the same terms as the petitions of the same individuals to the House of Commons. [See p p.191,399.] With respect to the petition from Mitchell, lord Holland observed, that several of the statements in it could be verified by persons of respectability. The petitions were ordered to lie on the table.

MOTION RESPECTING THE PETITIONS COMPLAINING OF IMPRISONMENT UNDER THE HABEAS CORPUS SUSPENSION ACT.] The order of the day having been read forr eferring the Petition of Samuel Drummond to the Secret Committee,

The Earl of *Carnarvon* said, that when, a few days ago, he offered to the notice of the House the petition of this person, who had been confined under the suspension of the Habeas Corpus act, he did not conceive there could be any difference of opinion as to the propriety of referring those petitions to the consideration of the Secret Committee; and he was therefore about to make the motion immediately to do so, but finding that a difference of opinion did exist, he had put it to his majesty's ministers to name a later day for the discussion of the question, if they were not then prepared to meet it. He had then stated what he now repeated, that he was wholly ignorant of the character of the person who had signed this petition. He was aware that, if he should call on their lordships to enter into any specific investigation of the petition, it was incumbent on him to make a fuller inquiry into the merits of the petitioner, and to ascertain them, before he could show a ground for any proceeding upon the subject; but that was not the present case. Their lordships had agreed to a committee, at the suggestion of ministers; they had gone into an inquiry, and because ministers thought fit that that inquiry should not be as open as the nature of the case demanded, they had stated (for the contents of the green bag were known to few), that the object of the committee was to lay before the House an exposition of the whole conduct of ministers, and an exposition of the state of the country since the report of the last committee. Their lordships had voted that committee, the committee had commenced its inquiries, and it was not too much to assume that it had also gone into an investigation on the conduct of ministers; the only question now was, whether that inquiry should be limited to the documents that ministers should lay before the committee, or whether it should be entered into with that spirit and degree of investigation that the nature of the case imperiously demanded. Ministers had told the House, that one object of the committee was to inquire into their conduct; if so, it must be with a view to ascertain whether it was meritorious or not. On this he would give no opinion— not that he meant to imply his majesty's ministers would be found in fault, in case an inquiry should really take place (he hoped that the more their conduct was inquired into, the more clear it would turn out;) but he was sure that if they wished this to be the result of the inquiry, it must not be entered into merely upon evidence brought forward by themselves, upon a case of their own showing, and before a tribunal packed by themselves; he said, packed by themselves, for he begged to state to their lordships, and he was sure he could not be contradicted by ministers themselves, that, in the formation of that committee, regular lists had been prepared, and there was not one name that was not inserted by ministers themselves, or at least upon their own nomination. Yet, before even such a tribunal as that, constituted in the manner he had described, he was willing that inquiry should be made, as far as it could be made. If an inquiry was really to be entered on, there was a possibility that something might have been reprehensible in the conduct of ministers, or their agents; and, if so, were they from their own offices to draw up their own statements, and produce them before the committee, as a satisfactory means of arriving at the truth either of their good or of their evil deeds? Was it not natural to suppose, that they would overlook the serious charges, if not intentionally, through neglect or mistake, and call upon the House to concur in their justification by making them participators in their ignorance? If they left it to the discretion of those gentlemen to prepare, not only their own case, but the whole of the evidence by which that case was to be tried, they might trust to Heaven for justice, but they might depend upon it, that such facts would only find their way into the committee as were most favourable to parties on their defence. Would their lordships be satisfied upon such evidence, or could they arrive at any conclusion upon it? Take it which way they would, they could derive no information from the green bag which ministers had not put into it. Let them look to the proceedings of those ministers themselves. Before two days had elapsed, after the production of the green bag, containing, as was at first stated, all the information necessary, they showed that, even in their own opinion, that information was not sufficient. At that time another green bag was introduced, containing God knows what; but clearly intimating that something had been withheld from the former; and if that was not sufficient, even in ministers' own opinion, why might we not have a third green bag produced, as a supplement to the second? why might not much more be necessary, if truth was really sought as the result of the inquiry? But the importance of this inquiry mainly depended on the objects that ministers had in view. On the first day of the session they were asked, what those objects were, and what was to be the result of the committee of inquiry? but then, as they did not know who would form the committee, they professed an entire ignorance of the objects it might have in view, or what would be the result of its investigation. He would state at once, and ministers might contradict him if they could, that their view then, and now, was to obtain a bill of indemnity, and he was confident the inquiry of the committee would terminate in a recommendation to the House to pass such bills of indemnity. If this investigation was not entered into for the mere purpose of gratifying curiosity, but if it was meant to lead to so serious and important a measure as shutting the door of justice against those who had suffered, whether deservedly or not, under the acts of ministers: he repeated, if those unfortunate men were to be excluded from justice by a bill of indemnity, were their cases also to be excluded from all previous examination before the passing of such an enactment? Would their lordships, if they had any regard for the people, or any sense of justice remaining, consent to such a proposal? If so, if such a course was thought, under all circumstances, to be expedient, let it be at once manfully avowed. Let the House tell those unfortunate men, that there was no justice for them, either in parliament or before the ordinary tribunals of the country. Let the House tell them, that they were determined to proceed in such a manner, as to secure the protection of ministers, the authors of their wrongs; while to the victims either of their vigour, or of their imbecility, all hopes of redress were for ever to be denied. If such was the determination of their lordships, let it be stated so at once, without holding out the mockery of redress, by making the accused their own judges. Whether they should do this or not, was the issue on which the House was to join that night. But he trusted, their lordships would not go the length of determining to prepare the way for a bill of indemnity, and to try ministers on evidence produced by themselves alone. These were the grounds on which he called on them to refer these petitions to the Committee of Secrecy; not Drummond's petition alone, but all the others; for there was the same ground for attending to the prayer of all of them. The House was not obliged to form distinct opinions upon each, it was not possible that it could do so, but it was unquestionably in its power to send them to the committee, there to be dealt with according as they might deserve. He was, indeed, strongly impressed with the importance that would be attached to their lordships' decision on the question of that night. Whatever might have been the conduct of ministers, or whatever might be the claims of the petitioners, there was one question of still greater importance. In all proceedings between ministers and the people, that House ought always to stand fair between them and the country; if not, if they were biassed, and would hear but one side, how could they complain if the people, stimulated by want, and rendered discontented by distress, should yield to the violent but seductive language that was too often held out to them by men of evil designs, and, in this instance, there was great reason to suppose by the agents of ministers themselves? Was there any *primâ facie* case, any thing so decisively clear in the conduct or character of ministers, that should authorize the House to prejudge the case of poor and oppressed individuals in favour of those ministers, without so much as hearing the party complaining? However we might approve of their conduct or character, was that any reason for telling petitioners that we might pity their case, but that we were precluded from entering into it, because the parties complained of were authorized by their situation in proceedings however arbitrary. Though that House might, in some instances, become no more than a mere echo of the designs and language of ministers, he entreated their lordships to consider how the present case stood. Was it the fact, that ministers stood so high in the estimation of the public? or was there not a feeling without-doors, that it wat possible a case might be made out against them, notwithstanding the purity of their fame, very different, in its complexion and degree, from what was likely to be extracted from their own green bag? Had ministers themselves done nothing to countenance this opinion? Had they not confessed, that the disturbances had, in many places, been much aggravated, at least by the conduct of their own immediate agents? The report of the committee of last year, admitted that some portion of the disturbances was to be attributed to the conduct of the agents employed by government; and many persons believed, at this moment, that the greater part, if not the whole, of the insurrectionary spirit, was fomented by the industry of spies and informers. Those agents had found men discontented from the effects of distress, and want of employment (it was obvious that men in a state of starvation were, of all others, the easiest to be worked on); and seeing the materials ready for their hand, proceeded to kindle the flames of insurrection. Was not the House bound to inquire, how far those unhappy men, who had fallen victims to the laws of their country, might attribute their untimely end to the arts and designs of these detestable spies? The friends of ministers might allege, that it was to their vigorous exertions we were indebted for the tranquillity that now prevailed; others affirmed, that this vigour was the cause of all the disturbances that had taken place. Ought not the House to inquire which of these statements was true? Whether Drummond or the other petitioners were men of good or bad character, whether the statements in their petitions were true or false, was not the question for the House to consider, but what sort of an inquiry they were now about to institute? Were they going to inquire into the internal state of the country? so his majesty's ministers said. If so, how could they refuse to submit to the inspection of the committee these petitions, which must afford some light on that subject? Were they to inquire into the conduct of ministers? If so, how could they refuse the petitions, or how judge of that conduct at all, if they refused any inquiry but an inquiry by ministers themselves? The result of such an inquiry must be, that they, like their victims, would remain for ever tainted with suspicion, and their characters could never be cleared up. But there was this difference between them and their accusers:—the latter demanded a trial, and that their guilt, if any, might be openly proved before the tribunals of their country. His majesty's ministers demanded a trial, not by God and their country, but in their own dark chamber, on their own statement, and by judges of their own appointment. If they refused to meet inquiry, would not suspicion unavoidably attach to them—that suspicion which fell on all who endeavoured, when accused, to escape investigation? But be their characters what they might, be their feelings what they might, it was not for their lordships to consider their feelings, but to consider their own, and to consider the duties of their station. The feelings, too, of all the country, demanded that an investigation should take place. There was much mystery on the part of ministers, and that mystery could not make a favourable impression on the country. It was in the hope of promoting that regard for their lordships' proceedings which depended so much on their own character: it was to do justice to that people who always looked to parliament for protection, if parliament did not spurn them away; that he trusted these petitions would be referred to the committee. If this business, instead of affecting as it did the character of ministers and the House, were a mere road bill, or any other matter of ordinary routine, and it was asked to refer petitions on the subject to the committee that had it under consideration,the thing would be done as a matter of course. As such was the practice of the House, he had come down last time anticipating no objection whatever to his proposal; objections, however, had been made to it; but as ministers had since had time to reflect, he hoped they would not shrink from the only course they could adopt with credit. He therefore moved, that the petitions of Drummond, Mitchell, and the others who had been confined on suspicion of treason, might be referred to the Committee of Secrecy.

Lord *Sidmouth*, after observing that the noble earl had not gone into the merits of the petitions, but had confined himself to the broad ground, that all petitions, of whatever description, ought to be referred to the committee, admitted, that they might be suffered to lie on the table, but that to ask more than that was to say, that petitions of whatever description, (provided only that they were not couched in language disrespectful to their lordships), whether frivolous, false, malicious, or libellous, were all to be considered, and that the attention of their lordships must be employed in investigating the statements they contained, however false or improbable. That was a proposition to which he could not accede; and he was confident that their lordships would refuse their assent to a principle of such dangerous latitude. But the noble lord more especially wished these petitions to be referred to the Secret Committee. There was no mode of investigation, supposing their contents entitled them to be considered, which appeared to his judgment, so exceptionable as that. He defied the noble lord to show a single instance in which such a proposal had been adopted; the very nature of a secret committee was in direct opposition to it. If any case of real hardship existed, it was more proper that such a case should be referred to the consideration of a select committee. He hoped the noble lord had read the petitions in question. If he or their lordships would read those petitions he could assure them with confidence that unless they contained much more information than that which had been read, it was not only not fit for their lordships to take that cognizance of them which the noble lord had asked, but not fit to consider them at all. Drummond, for instance, had undertaken in his petition to prove the decorum and propriety of the meeting of the 10th of March, near Manchester. Of the nature of that meeting their lordships had read information in all the papers, and had also derived it, however the noble lord might ridicule them, from the documents laid before the last committee. The petitioner stated, that he was on that day boisterously apprehended by drunken soldiers without any cause whatever: the truth was, that the magistrates having notice that the people were then about to proceed in a body to the metropolis, in order to enforce the compliance of the sovereign with their demands; and that their intentions (as was borne out by the facts) were to proceed to acts of violence, applied for 13 warrants to apprehend those who were most active. These warrants were sent down and many of them executed before the day of meeting; but some of the remaining leaders, regardless of the fate of their companions, proceeded to assemble on the 10th. The magistrates of Manchester acted wisely; they knew that, notwithstanding the check that had been given, a large meeting would take place, and they applied for a military force. Drummond was one of the parties against whom a warrant was issued. The people met to the amount of 12,000, were preparing for their march to London, with the intention of carrying confusion in their train, and addressing the prince in person, and the petitioner was arrested while haranguing them in the most vehement terms; two hundred other persons were also apprehended for tumultuous conduct at the meeting; but not till the riot act had been read by Mr. Holland Watson, the magistrate. That the soldiers had assisted the civil power was unquestionable; but that they had done so in an improper manner, he must utterly deny. The character of sir J. Byng was a security against any improper severity on the part of the soldiers under his command; and from him, who had been on the spot, assurances had been received of the regular conduct of the soldiery. This was corroborated by the magistrates of the district, who, whatever fears they might be under of violence that might ensue to their persons or property, were not so lost to all regard for the constitution as to approve of misconduct in the soldiery. The magistrates had given a satisfactory account, that no insult or outrage had taken place. The whole grievance complained of by Drummond amounted only to the fact of his having been committed. He was examined on the 15th of March before the attorney and solicitor-general, and expressly told not to say any thing that might criminate himself. When under examination, he made no complaint whatever of having been ill-treated. His manner was not sullen; he spoke freely, and in such a manner, that it was impossible not to regret that a person of his appearance should have fallen into such courses. But there was not one word of complaint as to the mode of his apprehension. He would now ask their lordships whether, because the noble earl had advanced a general law, that all petitions should be referred to their consideration; they would not determine whether that one should not be rejected, and whether it contained any thing on the face of it which merited their attention. His majesty's government disclaimed any bill or provision for the purpose of protecting themselves or those who acted under them against actions for the cruel and rigorous treatment of prisoners. The only ground on which they resorted to a bill of indemnity, was, because the sources from whence they had derived their information ought to remain concealed. But he disclaimed any protection for acts of rigour, if any could be proved against him. Let those who were aggrieved complain to the laws of their country, and he was sure that redress would not be withheld. A noble lord had presented two other petitions, and though he had not had time to follow all their allegations, yet he could state from his own knowledge that they contained the grossest perversions; and if he had an opportunity of consulting his own documents, or re-perusing the petitions themselves, he could easily show that they were unfit objects for their lordships attention. With respect to Knight, he knew from the magistrates—(it had been industriously circulated that even the visiting magistrate had been excluded from Reading-gaol, which was never the case)—that every accommodation had been afforded that person. He should make no other observation on Mitchell's petition, than that it charged Oliver with being the cause of his apprehension; but the warrant for that apprehension had been signed before government knew any thing of Oliver, and before he took his journey. He was not apprehended by a warrant from the secretary of state's office, but by the local magistrates, who had long known his character. The noble earl had said much of spies and informers; on that ground he was ready to meet him, because the conduct of government would bear the brunt of any inquiry on that subject; and he owed it to the injured individual (he would so call Mr. Oliver) to state that he was never concerned in the insurrection at any period of its progress. When it was stated that that individual was the chief cause of all the disturbances the noble earl must have lost all recollection that the main features of them were developed in the report of last session; and that it there appeared, that it was the design of the disaffected to burn Manchester in February, which was long before government had even heard the name of Oliver. Upon the whole, he was of opinion that there was no ground to support the present motion, and he, for one, should declare himself decidedly against it.

Earl *Grosvenor* said, that if he spoke of the measures now in progress in a manner suited to the view in which he was led to regard them, he feared he should not be considered as cool enough for such a discussion; if, on the contrary, he spoke with apathy and indifference, he felt he should not be acting up to his own ideas of his duty, or in a manner agreeable to his feelings. He expressed his own conviction that, except in the case of Derby alone, there was a universal failure of proof to support the reports upon which the extraordinary powers intrusted to ministers were grounded. At the same time, he willingly admitted, that the noble viscount was a very fit person to be entrusted with the extraordinary power committed into his hands by parliament, though he was far from thinking that the power itself ought to have been entrusted to any one. The sincerity and mildness of his disposition were so many safeguards against its abuse. As to the petitions in question, he contended, that supposing there was not a word of truth in the various allegations they contained, yet still they were called upon to allow these petitions to be referred to the committee, although that committee was certainly not composed as he could wish it to be. The noble viscount had misunderstood his noble friend, in supposing that he maintained that petitions of all kinds should be referred to the committee. His noble friend had proposed to send only petitions essentially connected with those objects which had occasioned the appointment of the committee. But the noble viscount denied that any such petitions should be admitted. According to this language, nothing was to be received by the committee but what the noble viscount deemed fit to submit to them. But he contended that, according to the noble viscount's own showing, the petition in question should be referred. There was no part of it which, *prima facie*, might not be true. According to the petitioner's (Drummond) statement, he was seized while addressing a large and numerous concourse of persons, who were met for the purpose of petitioning parliament against the suspension of the Habeas Corpus; but the noble viscount would have it that the petitioner spoke with a degree of vehemence which was dangerous. The noble viscount could not deny that the people had a right to petition against the suspension of the Habeas Corpus. The object of such a meeting could not be regarded as treasonable; for, if treasonable, why were the persons apprehended not prosecuted and brought to trial? The petitioner complained of the insolence of the soldiery, and said that some of them were drunk. The interference of the soldiery was admitted by the noble viscount, and it was possible that some of them might have been in the condition represented. But suppose this man to have been mistaken, there was nothing uncommon in the mistake, at least there was nothing so criminal as to justify the rejection of his petition. The petitioner, it appeared, was taken before Mr. Sylvester; and, upon representing the hardships he had suffered, with regard to the quality of the food which had been allowed him, this gentleman ordered that he should have better food. He was afterwards committed to the charge of Nadin, who chained him, and hurried him away to another place. With respect to this Nadin, he understood there were serious charges brought against him in another place, as having given countenance and encouragement to the horrible system of blood-money; and there appeared no reason to doubt that by this man the prisoner was very cruelly treated. It was alleged that these people meant treason; but if so, why were they not brought to trial? It was said that these people (the blanketteers) intended to proceed to London, to petition the Prince Regent: such a project was absurd enough, he would grant, but not treasonable. If it was alleged that their object was treason, let all the circumstances be brought to proof before the committee, that the committee might know who were right and who were wrong. It was not right that any part of the country should rest under such a heavy charge, without investigation. God knew how utterly at variance with such a charge was the burst of loyalty which was manifested upon a late mournful event—a loyalty which attached itself not to the gaudy trappings of royalty, but to the hallowed virtues of a princess who was the glory of her sex, the glory of our constitution, and the glory of our country: after the regret so generally felt and expressed upon that melancholy occasion, he little expected to hear the country maligned by the charge of treason. As the charge, however, was made, inquiry, he contended, was indispensable. The petitioner, Drummond, was oppressed with chains; yet it was not of this, or of the loss to his purse that he complained, but that he had had no trial. The expense, however, of attending to answer his recognizance was a grievance which could not be denied. The recognizances were highly improper, and subjected the petitioner to much expense and great inconvenience. In short, he contended there was *primâ facie* evidence of every one of the allegations being true. It had been said, if the grievances alleged were so great, how happened it that no more than those few petitions were presented; but he believed this proceeded entirely from the opinion which had gone abroad from the whole course of proceedings, and especially from the appointment of this committee, that it would prove a hopeless case. The noble viscount talked of responsibility, and when, on a former occasion, the evidence was demanded that rendered such a responsibility necessary, they were told to suspend their opinion till the proper time. But what were they now to think of this heavy responsibility? for he believed the consequence of the bill of indemnity would be to shelter ministers from every responsibility; and it was doubtful whether, by its operation, even gaolers and magistrates, who had acted improperly, would not be protected from punishment. Imprisonment, even for a few days, was a hardship, but confinement in a damp room for nine months was no light punishment. As nothing had fallen from the noble viscount which tended to alter his opinion on the subject, he should say 'content' to the motion.

Lord *King* said, that after the able and eloquent speech of the noble lord who had just sat down, it was unnecessary for him to say much. He requested the House to keep in view that a committee was at that moment sitting to determine whether an indemnity bill should pass, and that by referring those petitions to that committee, they would furnish a portion of the information which it was right they should possess. The noble viscount had regarded the motion for referring these petitions to the committee as a sweeping proposition; but to appoint a committee of their own nomination, to judge of their own acts, and that upon evidence produced by themselves, in order to guide them to a bill of indemnity, was more a sweeping proposition, an unheard-of proposition which his majesty's ministers had brought forward: and when any persons complained of being seriously aggrieved, as in the present case, was it right that they should refuse to listen to their complaints on such frivolous pretences? The question was not whether these men were improperly detained or not, but whether the suspension empowered ministers to commit without evidence upon oath. He believed that, if these petitions were referred to the committee, it would appear that great injustice had been done. But his majesty's ministers would allow nothing to be referred to the consideration of the committee but what they themselves had prepared; they were judges, party, and witnesses also.

Earl *Bathurst* contended, that it was contrary to all usage and precedent to force fresh information upon a secret committee. The committee had power to send for fresh information if they felt it necessary to do so, but it was quite unprecedented that the House should force any fresh information upon their attention. The committee was secret, and was appointed for a special purpose. Was it, then, for their lordships to know what sources of information were laid before it, or to force any particular topics upon their investigation? The question was, whether they would leave it to the committee to decide in this matter for themselves, or whether the House would interfere to determine for them. As to the report, their lordships would judge of it when it should be laid before them; and if they should not be satisfied with it, they would pass no bill of indemnity. The noble lord had said, that the report of a committee so constituted, and supplied with such partial information, could be no ground for a bill of indemnity. If not, no harm was done; then would be the time to say so, and to object to an indemnity. Uniform practice was against the motion; uniform practice might be departed from on good grounds: but where were the grounds for departing from it in this instance? There were on every former occasion of this kind petitions like those in question, but they were never referred to a committee. Why should they now be referred? The noble lord had said, that he knew nothing of the individuals who signed them, and nothing of the allegations contained in them. Was that a reason for referring them to the committee? If the noble lord had said that he knew the individuals, that he had examined into the allegations, and that he had found that the petitioners had been illegally arrested and harshly treated, that would not be a reason for referring the petitions; but in the present circumstances, the reference appeared to him to be singularly objectionable. There were two subjects of complaint in the petitions; first, illegal and injurious arrest; secondly, cruel and harsh treatment during the detention of the petitioners. With respect to the second ground of complaint, the indemnity would not reach it, it would not protect from any action which the law allowed on that ground. There would be no clause in the bill of indemnity to prevent an appeal to the courts of law, if any person thought himself aggrieved by cruel and harsh treatment, while detained under the Suspension act. As to the charge of illegal and injurious arrest, what would the noble lord propose to be done? Were the committee to examine whether the petitioners were guilty or not, of treason? That seemed to be the object of the motion. If it was, how, he would ask, were the committee to proceed? They must call the persons accused before them, examine all the evidence on which they were committed, and all the evidence to substantiate their guilt in a word, they must take the whole trial of those individuals. Suppose they should be acquitted of treason, was the report of the committee therefore false, or was the committal of the petitioners wrong? But suppose they should find them guilty, what course were they, in that case, to follow? Were they to dismiss them, or to send them to be tried again, after all the evidence had been extorted from them, and with all the prejudice which the decision of the committee must attach to their character? If the practice of the House were not against the motion, if the practice were the reverse, he should say this motion ought not to be received.

The Marquis of *Lansdowne* would not enter at length into the merits of the question, as he was a member of the Secret Committee; but he rose to reply to the statement of the noble earl who had just sat down, as to the practice of the House and of secret committees. It was not the practice that a secret committee should send to the House for papers, but to confine themselves to the consideration of such papers as were laid before them. Therefore that part of the noble earl's speech did not apply to the point under discussion. If the committee were to see and investigate those petitions, the present motion seemed to be the only mode of giving them that power.

The Earl of *Liverpool* admitted, that the noble marquis was correct in stating that it was not the practice of a secret committee to send to the House for papers; but they could apply to the ministers of the Crown for any papers they wanted; and if they did not obtain them, it was perfectly competent for them to report to the House that they had not had sufficient grounds for coming to any final judgment. Till the report came before them, it was improper for any noble lord who was not a member of the committee to say, that any farther papers were necessary. When the report should be made, they could judge of it. If it should be satisfactory, the petitions would be admitted to be unnecessary for the committee. If it should be unsatisfactory, and express the impossibility of coming to a conclusion without farther information, then this motion might be urged. But till the House were aware of the report, it was impossible to say whether any or what proceedings should be adopted respecting it. Allusion had been made to the manner in which this committee was appointed; it had been asserted, that it was appointed in a manner never heard of before. He would appeal to the House whether it was not appointed in the manner invariably adopted on similar occasions. It was always the duty of any noble lord who proposed a committee, to name the individuals who should form that committee. What benefit had that mode over a ballot? In both cases the mover proposed the individuals. What then was the difference, except that the ballot prevented invidious discussions as to particular names, which ought always to be avoided. Noble lords from both sides of the House were appointed members of the committee. When the subject was introduced last year, and on every other occasion, he felt anxious to submit the information on which ministers acted to persons of all political opinions. The committee was not formed on any narrow or party views. He certainly would not choose to submit his conduct to the judgment of a committee composed exclusively of the noble lords he saw opposite to him. The report of the committee would speak for itself. He had no doubt that it would be a fair and just conclusion, deduced from ample materials of investigation. The members of the committee were, he trusted, as conscientious, and as much interested in the welfare of the country, as the noble lords opposite could be; and was it fair, then, to suppose that they would not do their duty. As to the contents of the petitions, the first ground of complaint was illegal imprisonment; the second, cruel and harsh treatment. With respect to the latter he should only say, with his noble friend, that the bill of indemnity would contain no clause to screen ministers, magistrates, gaolers, or any other description of persons against the consequences of any cruel or harsh treatment. This point, therefore, was not at issue. As to the other complaint, of illegal imprisonment, which was at issue, he would ask, whether it must not be the complaint of all who were confined under the suspension of the Habeas Corpus act? The ground of complaint was the very power conferred by the suspension The noble earl (Grosvenor) had given his vote seven or eight times for the suspension of the Habeas Corpus. He might say it was upon grounds different from those of the last suspension; but the grounds were not now in question. Whenever, then, the noble earl had voted for the suspension of the Habeas Corpus, he had voted for the power of taking up persons and confining them without trial. Whether it was necessary to grant such a power was another question. That question had been already discussed, and might be again discussed by the House; but it had nothing to do with the motion now before them. In every view of the subject, as well on the ground of principle as of practice, he thought the motion objectionable, and therefore he should oppose its adoption.

Earl *Grosvenor* said, he had not entered into the subject of the detention of the petitioners upon suspicion, as a ground of complaint, but in order to repel the insinuations of the noble viscount, that the statements were untrue. With this view he had stated that Drummond had, in fact, been arrested, brought before lord Sidmouth, and dragged from gaol to gaol, as set forth in the petition. As to his former votes on this subject, he admitted that he had formerly voted for the suspension of the Habeas Corpus act, but it was under circumstances most materially different from those under which the late suspension of that great privilege had taken place.

Lord *Holland* said, that considering the motion as intimately connected with the whole system of government, considering it as intimately connected with the question now at issue between the government and the people, he felt it his duty to offer a few observations upon it. But he would first answer the attacks of the noble lords opposite, and especially the very curious remark of the noble lord who had last spoken, respecting his noble friend's conduct on a former occasion. He hoped it would be indelibly engraved on the minds of their lordships, and he implored them to consider what was the consequence of once voting for the suspension of this sacred bulwark of our liberties—if they were once betrayed by the representations and delusions of ministers to assent to such a measure, they were held to be incapable ever after of deliberating on the subject. What an impressive lesson did such doctrine, from a minister, teach, as to the consequence of agreeing to the suspension of the Habeas Corpus act. He must tell the noble earl (Bathurst) not that he had misrepresented, for of misrepresentation he had always thought him incapable, but that he had grossly misstated and mistaken the grounds upon which the Habeas Corpus act ought to be suspended. Never, indeed, until now, was it in any instance stated, that the Habeas Corpus act was suspended with the view of enabling ministers to arrest persons whom they did not intend to bring to trial. On the contrary, it was always asked by the other side of the House, and particularly, he recollected, by the noble lord on the woolsack—"Where was the great injury of the suspension? Where the danger? Was any man to be committed but upon oath, and on the responsibility of ministers to bring him to trial? The ground of suspension urged on all occasions was, that it was necessary to postpone the trial beyond the period allowed by law, because it was dangerous to betray the evidence which might enable other traitors to escape. But after the danger was confessedly over—after a year of national misery, for the subjection of every man's liberty to the will of one must be productive of the misery of all—after forty British subjects had been immured in prisons and discharged without any trial, he submitted that it was not too much to call upon that House for some inquiry into the cause of the arrest of those unfortunate persons, and into the treatment which they experienced while in custody; instead of which ministers now came forward and said, they had obtained liberty to do all that had been done. They came forward to say that they had been authorized to commit illegally, and to treat their prisoners cruelly. What else could have been expected? After having, on false pretences, obtained an act of suspension, they came forward now and called upon the House to indemnify them for all they had done even beyond that act. It was in this manner that they appeared disposed to fulfil the promises which they made in the course of the last session to parliament and to the country.—The first noble viscount who had spoken on the other side, had said, that the noble lord who brought this motion before the House had acted judiciously in confining himself to the general motion, and refraining from going into the contents of the petitions. He knew that the noble viscount hated parodies, although one of his colleagues was very accomplished in that species of composition. For his own part, he was a very bad hand at a parody, yet he was almost tempted to try a parody upon this part of the noble viscount's speech. The noble viscount had certainly acted most judiciously in refraining from touching any one of the arguments of the noble mover, and in confining himself to points quite foreign to the question. He had charged his noble friend with having made a sweeping proposition to refer those petitions to a committee. His noble friend had not done so; he had distinctly said, that the appointment of a committee to inquire into the truth of the allegations of the petitioners might be made a question; but a committee being actually sitting, substantially and notoriously to report upon the conduct of ministers towards those very petitioners, he had moved to refer those petitions to them as a matter of course. The motion had been met, and he would admit with some authority, as to the point of form. But every word that was said, as to form, was an aggravation of the conduct of ministers in this case. He was not present when that committee was proposed; but if it were really intended, as was professed by ministers, to inquire into the state of the country, and the manner in which those ministers exercised the powers with which they were invested under the suspension of the Habeas Corpus act, how could such cases as were referred to in the present motion be consistently excluded from inquiry and consideration? But if this were not the intention; and ministers had acted fairly and honestly, they should have stated what limit and object were to be prescribed to the committee. They should have said, that the object was twofold; first, to inquire into the state of the country; and secondly, to judge of the criminality or innocence of ministers, and then they should have pointed out the proper form in which the inquiry was to be conducted. "We bring down a green bag," they should have said, "and we refer it to a committee, which committee we select ourselves, and we lay before them what papers we judge proper. We adopt this form, because we think it improper that the committee should obtain any evidence against our former assertions, or against our conduct under the suspension." The noble earl—he had almost said, his noble friend, although he certainly had no intention of saying so—had declared, he should not like those lords opposite to him for his judges. But he (lord Holland) would have no objection to have that noble earl for his judge. If he were innocent, he could have no reason for objecting to him. If he were guilty, he could have no objection, provided he had the choice of the evidence, the arrangement of that evidence, and above all, the preponderating voice among the rest of the judges. He did not speak invidiously of the committee, he spoke only of the proceedings of ministers; but he would always maintain that the persons to be tried ought not to be members of the committee that was to try them. He would also maintain, that no confidence could be placed on a report, however conscientiously framed, when the information was strictly and jealously *ex parte*. As to the uniform practice of the House, he did not recollect that such an inquiry as ministers now instituted had ever been proposed in such circumstances. Before the Habeas Corpus act was suspended, ministers pleaded that they could not distinctly state the grounds upon which the suspension was proposed, without betraying the sources of their information, and thus hazarding the success of the measure. But no such plea could now avail, after the danger was at an end. Last year the noble lord had introduced a green bag in a very mysterious manner; in consequence of this green bag there was a secret committee, a report, and a suspension of the Habeas Corpus. Yet, even at the outset, there were some material statements in the report of the Secret Committee upon which the Suspension was grounded, and against which evidence was offered to be produced at the bar. Among others, it was alleged, that there were several disaffected committees or clubs of a certain denomination throughout the country, all of which had a central committee or club in the metropolis. The most distinct evidence was offered to disprove this allegation. It would be recollected, that a petition was presented to that House from the secretary of the central club alluded to (Mr. Cleary), solemnly alleging, that this club had for many years before ceased to exist, adding, indeed, that its existence was altogether extremely short. But ministers refused to enter into the consideration of those allegations, or to examine the evidence upon which they professed to rest.—"No," said they, "there is not time to enter into such petitions—the country is in danger, and we cannot delay the adoption of the measure necessary to provide against that danger, by listening to the statement of any one out of doors." He recollected also, that upon their deprecating any decision on *ex-parte* statements, he was told that the report of the committee was not more founded upon *ex-parte* statements than a bill of indictment by a grand jury, which yet formed a ground for committing any man to prison. Those arguments or observations had, no doubt, their influence at the time, but nothing of the kind could be urged now, that the danger was over, and the accused at liberty.—Did ministers now, then, come forward, and really tell the House, that the excellent old maxim "Audi alteram partem" would not be admitted? After they had two reports of secret committees: after many persons were arrested for high treason: after some had been condemned, many acquitted, and the most discharged without trial, were they to be told that they should have no farther evidence of the necessity of the suspension? Did not these circumstances furnish matter for inquiry; and what reason could be assigned for resisting that inquiry, at a time when the country was so tranquil that ministers themselves brought forward the proposition for repealing the suspension of the Habeas Corpus act? The ministers must now say, "Leave the law to its course, we are able to justify our conduct;" or "We have been misled, expunge from your records the reports on which we acted;" or "You granted the powers under which we acted from confidence in the characters of ministers; grant us now an indemnity on the same principle. You suspended the constitution from prospective confidence in us; indemnify us from retrospective confidence." If they had manfully come forward with this last proposition, he should have opposed it, as he had done last year, because he had no confidence in their character, and because he could never acquiesce in the suspension of that invaluable blessing, the Habeas Corpus act, without adequate inquiry, especially where that suspension had occasioned the imprisonment of so many of his fellow-subjects; but he must have thought much more highly of their fairness and magnanimity. Ministers had voluntarily put themselves upon their trial; but what sort of tribunal had they constituted to decide upon their conduct? Could any unbiassed man conceive that, in appealing to such a tribunal, they proposed a *bonâ fide* inquiry? The last year he regarded as a year of great misfortune. It was a year of delusion, practised in the most execrable manner; of power unnecessarily obtained and unwarrantably exercised; of distress and suffering, without justice and without redress. Yet it would have been manly to call for indemnity on the bare ground of character. One other honourable mode of proceeding was left for them; they might have come forward and said—"The storm is now over, the danger is past, the alarm has ceased, calmly judge therefore our conduct, examine all the evidence that can assist your judgment; let us hear all that can be said against our proceedings; open the doors to all complaints, petitions, and representations; we acted honestly upon the best information we could obtain; judge ye now our conduct." But the noble lords had chosen to recommend neither course; their proceedings were perfectly different, and embraced no mode of satisfying the minds of the people. His noble friend had properly said that, whether on good grounds or not, the country had loudly expressed an opinion, that there had been injustice exercised; that government had exceeded its powers; and that every thing which they had done in consequence of the Suspension act was not rightly done. There was a prevalent suspicion, amounting with some to a positive belief, that the noble lord at the head of the home department had not acted constitutionally; that he had exercised powers beyond the law; that in his circulars to magistrates, directing them how to perform their duty, in preventing their visitation of prisoners, in recommending the suspension of the great bulwark of our rights, and in employing spies and informers, he had conducted himself in a manner subversive of our best privileges, and hostile to the public interests: promulgating an exposition of the law, most materially different from the understanding of all constitutional lawyers, and in fact, subjecting himself to the imputation of attempting to dispense with the law of the land.—The noble viscount had replied to the observations on spies, that it was idle to suppose that all the mischiefs which had occurred in the disturbed districts could be attributed to them. He (lord Holland) would not go the length of saying that all those mischiefs had arisen from the employment of such persons; but he had no hesitation in declaring his conviction, that much of them was to be referred to that origin; and if he were allowed, he would produce sufficient evidence in support of his opinion. He was not accustomed to make rash pledges, or to advance exaggerated statements; but he could assure the House, that if a proper opportunity were offered, he had no doubt he could make out a better case against Oliver than ministers had been able to make out last year against the people of England, when they proposed to subject them to arbitrary power by the suspension of the Habeas Corpus act. He was not in the habit of asserting facts on *ex-parte* testimony; he was not in the habit of coming to a decision on any question till he heard what could be advanced on both sides; and he would not therefore say that all the statements which he could produce, ought to be implicitly relied on; but he would say that, till he saw the contents of the green bag, the evidence in his possession against Oliver appeared conclusive. This evidence did not proceed entirely from persons who were interested or prejudiced—it was not altogether from what had been termed a polluted source—it was furnished by respectable individuals who had watched his operations, or who had inquired into the truth of accounts supplied by others. The noble viscount thought he had sufficiently disproved the allegations of Mitchell's petition, by denying that he had been apprehended on the testimony of Oliver; but, so far as he (lord Holland) remembered, the petitioner did not state that he was. One thing, however, was certain, and could not be denied, as it was supported on irresistible proof—that Oliver had been detected acting in most of the disturbed districts. Witnesses could be brought to state, that he had been engaged in exciting the people of Nottingham, of Derbyshire, and of Yorkshire, to violence and insurrection, by the most inflammatory language, and the most encouraging assurances of assistance. He did not assert that such evidence was true, but he gave it as his opinion that it laid sufficient grounds for inquiry and investigation; in order to ascertain how far the agents of government were instrumental in producing those scenes which formed the ground for proposing and continuing the suspension of the Habeas Corpus act. He would go farther and say, that the employment of spies (he did not allude to the receiving of intelligence from informers) was always unjustifiable, except in cases of the greatest and most imminent hazard to the state. Nothing but a paramount necessity that set all ordinary rules at defiance, and threatened dangers to social order, that could neither be met nor averted by acting on common principles, or exercising all the means which human foresight and vigilance could suggest, would justify a resort to such revolting, hazardous, and abominable agency. The persons so employed must always be the refuse of society; and unless those who employed them were able to judge of their testimony, and to examine coolly the facts they supplied, they must always produce mischief. He might appeal to all history, and the opinions of all wise historians and politicians, in support of this doctrine. He would not, however, refer to the authority of some authors who were often quoted on the subject; he would not produce the severe invective and bold description of Tacitus, when speaking of this class of persons, because it might be said, that he was a misanthropist, and marked his picture with features taken from the arbitrary despotism under which he lived; he would not quote lord Falkland, because he might be called a fastidious and speculative statesman; but he would refer to an author against whom none of these objections could be brought, the penetration, sagacity, and elegance of whose work was acknowledged by all, and who, whatever else might be said against him, could not be accused of having any unfavourable leaning towards popular claims or any hostile feeling against existing governments. In speaking of the measures pursued by Burleigh and Walsingham, in 1584, to disconcert the machinations of the malcontents, Mr. Hume's beautiful history contained the following passage:—"Spies were hired to observe the actions and discourses of suspected persons; informers were countenanced; and though the sagacity of these two great ministers helped them to distinguish the true from the false intelligence; many calumnies were no doubt hearkened to, and all the subjects, particularly the Catholics, kept in the utmost anxiety and disquietude." When such great ministers as these were liable to be imposed upon, was it not to be suspected that the employment of similar agents by those who might not exercise the same caution and vigilance, would lead to the greatest oppression and abuses, especially when such instruments were relieved from the fear of detection or punishment, by being divested of all apprehension of ever being confronted with those whom they thought proper to accuse? The fear of a public trial was the only check that could be imposed on the misconduct of spies. If protected from trial or exposure, there was no limit to their audacity, no control over their actions, no means of meeting or confounding their misrepresentations. They might give any information they pleased, they might invent the most palpable falsehoods, they might calumniate the most innocent and orderly individuals. If the danger from this detestable race was great, when they were sent among the better-informed classes of society, how much was it multiplied when they were employed among the lower orders, who were liable to every delusion which they might attempt to practise, and unable to detect their real characters? If a spy should be sent among their lordships, he would have no power to do injury, because they would neither be likely to be deceived by his impressions, nor be in danger of being misled by his violence; but it need scarcely be stated, though it could not be fully conceived, how mischievous a character of this kind must have been among the labourers and manufacturers of the distressed districts last year. He found the people almost mad with projects of reform, discontented from want of employment, and almost furious from want of food. It was not his business to sooth their discontents, to represent the real state of their feelings, or to transmit intelligence of their real situation; he was sent to detect their dangerous projects, to discover their treasonable and seditious plots. To please his employers, therefore, and to magnify his own importance, he had a motive to impel them to the excesses, which it was the object to denounce. "I shall get nothing," said he, "by encouraging them to petition peaceably for parliamentary reform; I shall get nothing by urging a people crying for bread to bear their sufferings with patience, or to rely with confidence on the legislature for all the relief it can grant. I must excite them to violence, I must inflame their discontents into rebellion, before I execute my mission, or deserve my reward." Such, he fully believed, was very likely to be the soliloquy of many a spy, and therefore he would never consent to resort to such a person, unless upon the principle of *sâlus populi suprema lex.*—Nothing could be more probable than that when such agents as these were employed among a people tempted to violence by distress, their influence was most pernicious and dangerous in increasing discontent into disaffection and acts of violence.—These things laid grounds for inquiry and investigation; but these were not the only things. The petitions on the table, and the inquiry proposed to be referred to the committee, referred to tampering with witnesses, to the taking of illegal recognizances, and to discharges without trial, by which suspicion was still fixed on the petitioners. But it was said, that the forms of the House precluded inquiry; and this was the only answer that was given to petitioners when they complained of the grievances which they had suffered, and the hardships to which they had been subjected. He was glad to hear it said, that the bill of indemnity which would be proposed would still allow recourse to be had to a court of justice for a redress of individual grievances, if any abuse of authority had been exercised; and he hoped that a distinct clause to that effect would be inserted in the act; but he distrusted such pledges, when he remembered the effects and consequences of other bills of indemnity; when he recollected that, in 1801, the last bill of this kind precluded all inquiry. It was just possible that none of the ministers themselves were participators in the infliction of the cruelty complained of; that they were not concerned in causing or abetting such cruelty. But if the right to proceed at law were allowed to the petitioners, it might be ascertained whether ministers had, either within or without the authority of the statute suspending the Habeas Corpus act, sanctioned any proceeding connected with the infliction of cruelty. The noble earl opposite had produced an ingenious argument against referring the petitions to the Secret Committee. He had said that on such a reference the committee would be converted into a court of law to decide on the guilt or innocence of the petitioners, to convict or acquit them of treason; but he (lord Holland) could not see how this would be the effect, as it was not the object of the motion. The motion referred the petitioners case to the committee, not to pronounce whether they were guilty or not guilty, but whether the government, in its mode of apprehending and treating them, had exceeded its powers. It was an old maxim in law, in which if he were wrong, he would be set right by the noble and learned lord on the woolsack, that no truth could be proved till it was contested, and he thought the election of the committee was such as promised nothing without the present reference. The noble viscount had thought proper to observe, that all his (lord H's.) predictions proved to be erroneous; but he begged to say, that whatever errors might belong to his character—whatever he might have happened to assume, he had never in his life been in the habit of predicting any thing in public. He remembered no instance in which he ventured to predict the result of a political measure, but one, when, in the case of the suspension of cash payments at the Bank, he foretold that they would never be resumed. He would now, however, predict, and stake his character as a prophet on the issue; that the result of this partial inquiry, by this ministerial committee, would be the recommendation of a bill of indemnity, which, in other words, would be this—that ministers, after having procured a recommendation to parliament from a secret committee to grant them extraordinary powers to preserve the law, would obtain a similar recommendation, by the same means, to protect them against the breaches of it. If this prediction should happen to be falsified, he should heartily rejoice in the event.

The motion was negatived without a division.

HOUSE OF COMMONS.

Thursday, February 19.

TITHE LAWS AMENDMENT BILL.] Mr. *Curwen* rose and said:—Previous to entering on the subject which it is now my duty to submit to the House, I wish to explain and apologize for having taken up a business that would have come so much better from many other members. I was induced to embark in it from the assistance afforded me by one of the ablest and most constitutional lawyers of the day, I mean my friend baron Wood. I trust this will not only be received as a justification, but entitle me to the attention of the House. The measure is, doubtless, one of great importance, both as it affects property, and as it has influence on the morals of the community. In order that the object of the bill I have to propose, might be fully understood, and to prevent also groundless alarms, it was judged expedient to introduce it in the last session,* in order to have it printed and widely dispersed. The avowed intention of the measure is, for the security of tithe property, and the prevention of the extended and extending scale of litigation. By the papers before the House it appears 120 tithe causes were decided in the last seven years, and that an equal or greater number are pending. When it is considered, that each of these causes may have continued for six or seven years, occasioning feuds and animosities that cause the church to be totally deserted; this alone presents an evil that calls loudly for redress, were there no other grounds of claim for the interference of the legislature. From the moderation and liberality which generally distinguishes the church, I am satisfied it would not be their wish or desire the law should afford them facilities for the invasion of the rights and properties of others. God forbid any attempt should be made to invalidate the security of the vested rights of any body! I need not disclaim it for myself, and still less for the quarter from whence I have received such able assistance. The jealousy of this House on all subjects which can be supposed to innovate on the rights of property, are highly honourable to it, and must render hopeless all attempts to infringe on vested interests of any kind. I contend for nothing that has not the sanction of the highest law authorities of ancient as well as modern times.

I need scarce observe to the House, that, *primâ facie,* all lands are liable to the payment of tithes. That the grounds of exemption are the payment of moduses or exemptions, prescriptions, compositions, or discharges. Moduses suppose a commencement prior to Richard 2nd.—Forty years uninterrupted payment presupposes a title, which is impeachable in two ways; first, by showing its commencement to be antecedent to Richard

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* See Vol. 36, p. 1070.

1st: and latterly, that is, within little more than a century, by impeaching it on the ground of rankness. Exemptions, prescriptions, compositions, and discharges, are not proved by immemorial possession, but by the production alone of the original grant or deed, by which they were created. These exemptions would be legally granted till the 13th of Elizabeth. Before I proceed to discuss these different branches, it may be expedient to advert to the law as it stood, with respect to other property. Previous to the 9th of the present reign, possession was no bar to the claims of the Crown. The injustice and oppression which arose out of this, and especially out of one of the last cases, I mean that of the duke of Portland and sir James Lowther, when, from the embezzlement or destruction of a deed enrolled in one of the public offices, the noble duke had nearly been deprived of his property. This produced the *nullum tempus* act, by which the rights of the Crown are limited to sixty years. This act is a full recognition on the part of the legislature of the principle I am wishing to contend for. For strict legal pleadings in the courts of law, it was necessary that deeds should be lodged in the court, that the opposing parties might have access to them. Forty-eight years ago, lord Kenyon, in the cause of Reid *v.* Brookman, ruled, that instead of the prefect, it might be alleged that the deed was lost or destroyed by time and accident, and that usage would prove it. Lord Kenyon observed, " And this is founded on necessity, since no human prudence can render deeds existing for ever." It will be incumbent on those who oppose the truth and justice of this noble lord's observation, to show why a decision that has preserved many just rights, should not equally be applied to tithes.

Having shown both the proceedings of this time—and the latter practice of the courts has gone to strengthen and establish the rights of possession, and to attribute to it the best beginnings—I shall now proceed to discuss what the defects of the laws relative to tithes are, and the remedies I would propose. The ancient mode of the clergy's proceeding for the recovery of tithes, was in their own ecclesiastical court. When matters of fact arose, the court of King's-bench stayed the proceeding till they were decided. Disputes arising between the ecclesiastical and law courts, as to the exercise of their jurisdiction, the same came to a solemn hearing before king James 1st, who decided, with the unanimous approbation of the judges of the land, that the ancient law of the kingdom should be abided by; Magna Charta having provided, " that no man should be deprived of his freehold, or free custom, but by the judgment of his peers, or by the law of the land." This decision seems acquiesced in for upwards of 50 years, when, by a fiction of law, the clergy commenced their proceedings in the Exchequer, by acknowledging themselves to be debtors of the king, from the payment of tenths. Thus things proceeded till the case of Gardiner and Pole, 1705, when chief baron Ward, and other barons, held twelvepence an acre for hay a rank modus. This was appealed against, and reversed in the House of Lords, and held a good modus. In the case of Sansom and Shaw, in the Common Pleas, 1748, when it was contended that tenpence for meadow or pasture was rank, serjeant Belfield said, he was so old as to remember almost the very beginning of the name of rank modus; that lord chief baron Ward was the first that introduced it; that he was a great patron of the clergy, and carried their rights a great way." Lord chief justice Willes says, " I am afraid, truly, there have been many cases determined upon the footing of rankness. The fewer the better; and I am glad they are not in print, for then they might have misled, more than they have already;" and he observes, that " the consequence of these determinations is, to deprive the landholders of what they have fairly purchased and paid for." Mr. Justice Burnet says, " My brother Belfield has given us the history of the beginning of the doctrine of rank moduses, in lord chief baron Ward's time; and I have had another case given me by a learned judge, which shows the end of it." See the case of Gifford and Webb in the Exchequer. Unfortunately this did not prove to be the case. In defence of the courts of equity deciding on matters of fact, is alleged, the prejudices of juries, and their ignorance of the value of money, in the time of Richard 1st. On this head I have an authority that will weigh with this House, and I hope on the members opposite me—I mean that of the present lord chancellor, who, in the case of O'Connor and Cooke, gives this true and constitutional answer: " I cannot hold the language that has been held, as to sending this to the prejudice of a jury. A jury is the constitutional tribunal of the country, and I am not at liberty to suppose it will be guided by prejudice."—Now, Sir, of the integrity and ability of those who preside in our courts of justice, no one entertains a higher opinion than I do; but with every deference, I would ask, is it possible for them to establish any rule of discussion that can suit all cases? Does not the quality of land as well as locality, produce a great and material difference? What might be right in one case, would be quite the reverse in another; and does not this form a very material fact for a jury to inquire into? There it one rule of the courts of equity, the grounds and justice of which I do not comprehend. In all cases where the rector prays an issue, a trial by jury, it is granted. Even were the modus such as the court would sustain, still they send it to a jury. Why the defendant should not equally be entitled to have a trial by jury, is quite incomprehensible to me, and I own savours strongly, as I view it, of injustice.

That next point to which I would wish to call the attention of the House, is to compositions real, which are compositions made between person, patron, and ordinary, which might legally have been done till the restraining act of the 13th of Elizabeth, chap. 10. Many such, no doubt, were made. In a lapse of 240 years since these agreements were restricted, many deeds have been destroyed or lost. At the Reformation, the 31st of Henry 8th, 1539, nearly one-third of the whole property of tithes, passed into the hand of the Crown, and was sold and disposed of. This portion of tithes became, to all intents and purposes, a temporal possession, and was parcelled out and sold to individuals many of whom never had the original deed of conveyance in their possession. Now, the law rules as to compositions, that possession is no proof of title, no presumption of an original grant. The deed, and the deed only, is proof of any title. This is a monstrous doctrine; what does lord Ellesmere, lord chancellor, with the principal judges say, "for *tempus est edax rerum*, and records and letters patent, and other writings, either consumed or are lost, or are embezzled; and God forbid that ancient grants and deeds should be drawn in question, although that cannot be shown which at first was necessary to the protection of the thing." Lord Hobart, in Slade and Drake says, "It is a strange anomaly to be thus differing from all other cases of law; for whereas prescription and antiquity of time justifies all other titles, and supposeth the best beginning the law can give them, in this case it works clean contrary, and this in *favorem ecclesiæ*, lest laymen should assail the charge. Now, if just and equitable as to the church, it can have no reference to the lay impropriator." In the case of Barry and Evans, 1735, the court will not presume any grant or purchase of tithes, not even in a case of a lay impropriator. Many judges have at different times expressed dissatisfaction at this doctrine. The late lord chief baron of the exchequer, in a case, lord Peter and Blencow, 1797, expressed himself thus: "These determinations are perhaps to be lamented; I should have liked better to have found, in regard to tithes, the same principle of decision which regulates the title to every other fee. If nonpayment for any length of time forms no presumption of a grant of the tithes, then the length of enjoyment, which in all other cases is the best possible title, serves only to weaken the claim of exemption from tithes, as the difficulty of tracing the origin is increased." Lord Loughborough, in the case of Rose and Collard, in chancery, 1800, also expressed his dissatisfaction. And the present lord chancellor, in the case of Berney and Harvey, in 1809, says, "I do not think that I ought now to disturb this doctrine, which has prevailed so long, whatever I might have originally thought of it." In the case of Fanshaw and Hare, in the exchequer, 1743, baron Clark expressed himself on this point, as follows:—"I know no case that deserves more consideration than this: for though the authorities against such a prescription" (meaning a prescription in *non decimanda*) "are very great, yet the objections to them grows weaker every day. Before the Reformation, all tithes were ecclesiastical, and a layman could have them by discharge only, by the grant of parson, patron and ordinary. Since that time there are many other ways, both of having tithes, and being discharged from them. Since tithes have been in the hands of lay-impropriators, many persons have purchased discharges for their particular lands; yet if these grants are lost in the common fate of things, those persons must lose the benefit of their purchases, and that must often happen, though they be inrolled, or any other way be taken to preserve them. Very few records relating to the church are now extant, and it would be very hard that time, that strengthens all other rights, should weaken this."

I should hope, Sir, there will be little doubt of the justice of giving to uninterrupted possession that right it has in all other cases against the church. Against the lay-impropriators there cannot be a shadow of pretence for withholding it. On this point I do not anticipate an objection. From and after the 12th of Elizabeth, 1570, agreements were made for conveyances, exchanges, and compositions, sanctioned by a decree of chancery; all inclosures of wastes, drainages, &c. were carried into effect by this mode, and valid, till the discussion by lord Northington, 1766, in the case of the attorney-general and Blois, *v.* Cholmley, when they were declared to be invalid. In the space of 196 years, many agreements were made and carried into effect between rectors and spiritual persons and land owners, in exchange of land for other lands, and pecuniary payments upon inclosures and drainages, sanctioned by chancery. These are now liable to be set aside, and, in fact, many have been so. I instanced, last session, in the case of Dr. Peplow Ward, the rector of Cottenham. I am sorry to find the reverend gentleman, whom I believe to be a highly respectable character, was hurt by the statement. Had it been in any way incorrect, I should not have hesitated to have immediately retracted it; but believing it perfectly correct, I must restate it.—In 1596, composition had been made by articles of agreement, and confirmed by a decree in chancery, by which lands had been allotted to the rector and his successors for ever, in lieu of tithes of the before-mentioned land with a view to the drainage and improvement of it. The defendants, who were thirty-two in number, filed a cross bill, founded on the composition deed, praying, that Dr. Peplow Ward, might be declared not entitled to the tithes he claimed, and if entitled, might account to them for the profits of the inclosures and inclosed grounds, which he held in lieu of tithes, and that he might be decreed to vacate the possession. The court, bound by former decisions, held the composition void, and decreed an account of tithes to the rector, and costs, as the composition deed was not stated in the answer; and if it had, the court might have left him to his remedy, in which he must have recovered as the law stands at present; and the cross bill was dismissed, because the complainants in it could make no title to the land allotted in lieu of tithes. Can a more palpable case of injustice be adduced? Admitting the result was not in the rev. doctor's contemplation, it is not in his power, beyond the term of his own life, to cure this monstrous injustice; the lands must descend to his successor. A case was at issue in the county of Lancaster, between the late rector of Malling, and persons with whom exchanges of certain portions of glebe had been made, highly beneficial to the church. Though above 250 years had elapsed, the probability was, the lands would have been recovered, and possession kept of the grounds given in exchange. Some remedy should be provided against such palpable acts, if wrong. It might, indeed, be stigmatized by a much stronger epithet. I should propose, on such agreements being set aside, the lands should be held for the use of the poor, till the legal owner should appear to claim. The last regulation in the bill I should wish to propose, would be, to give power to a jury to apportion lands covered by moduses, when the bounds were, from changes, lost or changed. These would be the objects I would wish to provide for. Whilst provision was made to assimilate the law of tithes to that of every other property, injustice would be prevented, and litigation most considerably checked. I disclaim all interference with any rights of the Church, or asking any thing more than what the legislature has established with regard to the Crown—that possession should work for and not against the holders of tithes. The hon. gentleman then moved, "That leave be given to bring in a bill for the Amendment of the law in respect to Tithes."

Sir *W. Scott* believed, that if the petitions which had been presented upon this subject last year were carefully attended to, and the grounds upon which they proceeded duly considered, the House at least upon such grounds as the petitions stated, would not see the necessity of giving the subject any very grave consideration. Many of them related to a single parish. They were determined upon in about four days. They were all drawn up in the same, or nearly the same terms. They were circulated through the country, and signed by women and by persons of the lowest class. The contents of those petitions were extremely absurd. They stated, that the system of tithes was injurious to the agricultural interests of the country and the christian religion; they prayed the House to make such regulation in them as might best suit the insular situation of Great Britain, and be most consistent with its political relations. There was one from Hornchurch, in Essex, which complained that the tithe was let to a lawyer and a clergyman, and that this was ruinous as well to agriculture as to religion. There were some petitions from Ireland upon the same subject, and he could not say whether the local situation of that country might not admit of some beneficial amendment with respect to tithes. There were also two from Gloucester, which prayed for redress upon the principle that the system of tithe placed too large a proportion of property in the hands of the clergy. The object of the bill was, to alter the provisions of the law as they at present existed upon the subject of tithe. He did not rise to oppose the introduction of the bill. There would be other opportunities for objecting to it if he should consider objection necessary. On so delicate a matter he would call upon the House to proceed with the utmost caution. If necessary at any time it was most certainly so when they were about to touch one of the most ancient institutions of the country—one which, for centuries, had been undergoing the revision of the wisest and the ablest men, and who had transmitted to posterity that system in the state in which they now found it. The question was between the landholders on one side, and the tithe proprietors on the other. It was one of great delicacy, and required the utmost caution and prudence. He did not mean to oppose the introduction of the bill, but he should watch its progress through the different stages.

Sir *S. Romilly* said, that the bill of last year, in his mind, promised the most extensive and beneficial improvements. So far from seeking to put an end to tithes, the bill sought to strengthen the system throughout, by adopting a principle of tithe more equitable and rational. As to the operation on the minds of members, by the petition mentioned, the right hon. gentleman might as well have attributed the introduction of the bill to the diffusion of the principles of the Spenceans or of the Hampden club. The object of the last year's, and, no doubt, the present year's bill, was, to put an end to the inconvenience and anomaly of the present principle of tithe law. In the instance of the Crown an undisputed possession of sixty years put all its claims to rest, whilst a tenfold latitude was given to claims on the part of the church. In fact, to give a title to a modus, which barred all inquiry on the part of the clergy or impropriator, it must be shown to have had its existence prior to the time of Richard the first, a period of 600 years. What he had said had merely originated in a desire to do away with the impression he felt was likely to be made by the grave and solemn warning given by the learned judge of the Admiralty, to abstain from intermeddling with rights so sacred and generally recognised as those of the clergy. It was too absurd a proposition to be gravely entertained in that House, that any thing in the tithe system militated against the interests of the christian religion, except in the angry feelings which not unfrequently were the consequence of feuds and contentions between pastors and their flocks, upon the subjects of litigation respecting tithe cases. By the present system, the older a man's claim to a right of modus or composition, the weaker it was—contrary to the general and well-known principle of law in all other cases. It was now two centuries and a half since the disabling statute of queen Elisabeth, which followed about thirty years after the dissolution of the monasteries by her father. Lay impropriators still continued capable of alienations, until the decision of the corporation of Berwick disturbed the foundations of the law as it had previously stood; of which decision he could only say, he knew not whether most to reprobate, its folly or its dangerous consequences—as its direct tendency was, to protect lay impropriators, as if they had been ecclesiastics. There were parts of the bill to which, though trifling in themselves, he felt an objection; although he acknowledged, that, in the course of his experience, he had never seen an act of parliament drawn up with a juster or more profound knowledge of the subject treated, nor one more admirably adapted to ensure the execution of its several provisions. He should reserve his objection until a more advanced stage of the bill, and should for the present give it his most decided support.

Mr. *Lockhart* said, he did not feel that awe and that tremor which the right hon. gentleman seemed to feel upon this bill, and which he expressed as it were for the purpose of preventing the House from entering upon it. The bill in its object was a most useful one. The object was only to legislate upon one species of property in the same way as was done upon all others. The right hon. gentleman seemed inclined to cast a slur upon the committee and upon the House by the allusions which he had made to the petitions presented last year upon the subject. The committee were not at all influenced by the language of those petitions. He had been a member of that committee, and he never sat with any set of gentlemen who seemed to have more regard for the interests of the church. They, however, had made no objection to the measure. As to the case alluded to of the lawyer and the clergyman who held the tithe, it gave rise to a great deal of litigation, and was by no means an unfit subject to be mentioned in a petition. The bill he considered as one which ought to receive the countenance of the legislature.

Mr. *Peel* observed, that he did not understand his right hon. friend to say that he looked upon the bill as one to provide for the abolition of tithe. A proof of this was, that his right hon. friend had acquiesced in the motion for bringing it in. He merely recommended that the House should use some caution in countenancing a measure for the removal of a practice upon which the country had acted for centuries. It would not, in his opinion, be difficult to show, that, however they might in appearance be founded on equality, the application of the same principle of prescription to tithes as to other property would be very unjust. This bill would rather contribute to increase, than to suppress litigation. The statement that there were now 120 causes pending in the court of exchequer might, if not explained, seem to make against the clergy. The truth was, that only 69 of these causes had been instituted by the clergy. Only 35 of them had been commenced within the last three years. That did not amount to twelve in each year, which was no proof of excessive litigation. He should reserve to another stage of the bill whatever objections he had to make.

Mr. *J. H. Smyth* said, he would not oppose the motion for leave to bring in the bill, although he was apprehensive that it would be difficult to reconcile some parts of it to principles of sound policy. He thought there were many serious difficulties which it would not be easy to get over. It was a measure of great importance, and required the utmost caution.

Lord *Castlereagh* admitted that the subject was one of great importance. This, however, was not the time for proposing any objections against it or arguments in its favour. It would be better to wait until they had an opportunity of seeing the bill. They would then be better able to judge of its objects. He did not understand his right hon. friend to say any thing that could tend to prejudice the House against the measure. He merely recommended caution in the adoption of it. When any legislative regulations were proposed with respect to tithes, they should be approached with the same caution as those proposed with respect to other property. He could not collect from any thing which had fallen from his right hon. friend, that he was inclined to bar a fair discussion. He merely recommended that church property, being as sacred as any other, should be touched with the same caution.

Mr. *Brougham* agreed with the noble lord that it was better not to anticipate any objections or arguments upon the bill. He thought, however, that his hon. and learned friend was very justifiable in the remarks he had made upon what had fallen from the right hon. gentleman opposite. His (Mr. Brougham's) habitual veneration for that right hon. judge induced him to pay the utmost attention to what had fallen from him, and it did strike him that the object of his language was, to stigmatize the measure in its birth, and to set it forth to the world as one by which it was meant to trench upon the property of the church. It was now stated, that such was not his intention, but merely to caution the House against rash legislation. He wished just to mention one thing, which would show what it was the bill was meant to remedy, and the groundlessness of the clamour that was raised against it. What he should mention was, the right of composition. Composition real was legal 248 years back. Suppose a composition of that kind effected while it was legal, that it was acted upon and no tithe paid, but the parson possessing the land for 200 years. Under such circumstances, the parson at present had only to file his bill for tithe, and the court could not refuse him a decree unless the other party could produce his composition real; not an old moth-eaten parchment, but one quite legible. It had been so decided in the court of exchequer. So that, by this means, the parson might retain the land which he got in composition, and get the tithe besides. It was not the object of the bill to unsettle the right of church property, but to clear it of difficulties. The property of the church should be held sacred, but not more so than the property of the crown, which had long lost the benefit of the *nullum tempus*

Sir *W. Scott* wished to know the name of the case alluded to by the hon. and learned gentleman.

Mr. *Brougham* could not immediately recollect the name of the case, but he was quite certain of it.

Mr. *Curwen* was surprised to hear the right hon. gentleman take such a view of the case as he had given to the House. He had put the bill into his hands before he had moved for leave to bring it in. He did not then make the same objections against it which had fallen from him that night; nor did he (Mr. Curwen) expect that an attempt would have been made to create a prejudice against it in consequence of the petitions alluded to. With those petitions he had nothing to do.

Leave was given to bring in the Bill.

JUDGE DAY.] Mr. *Bennet* said he rose to do what he conceived to be but an act of justice. At the conclusion of the last session he had presented a petition complaining of the conduct of one of the Irish judges, in his observations on a case of murder in a duel. That petition had been delivered to him in the middle of the session, and contained very serious allegations, which were, however, couched in such strong language, that he told the person who gave it to him that he could not present to the House any such petition. Afterwards he had seen the published trial, and the terms of the petition being moderated, he consented to present it. He had since, however, learned, from several persons of high consideration and respectability, that there was no foundation whatever for the charges. He had also had a communication from the learned judge himself, for whom, he begged leave to say, he entertained the highest respect. He was now convinced that the allegations of the petition were utterly groundless, and he was happy to be able to make this statement. One of the allegations was, that the person tried was a relative of the judge. As to this, he stated himself, that it was not the fact, at least, that the relationship was scarcely more than that which existed among all the members of society. Another was, that he had thrown difficulties in the way of procuring the writ; so far from this, it appeared he had advanced money out of his pocket for the purpose of procuring it. A third was, that the person indicted was of a powerful family, and that that had been a source of favour. He was authorized to say, that there had been no show whatever to support this. He was rejoiced to be able to make this reparation to the character of that respected individual, the only one in his power. He was anxious it should be as public as possible, since the imputations contained in the petition had received a very extended circulation. Judge Day, the learned judge in question, in the conscious dignity of innocence, had abstained from prosecuting the libeller. But at the suggestion of the lord chancellor, he had instituted a civil action against the author of the slander, thereby giving the party an opportunity of proving, if he were able, the truth of the allegations. He thought it due from him to apologise to the House for having presented the petition in question, and to declare it to be his full belief and conviction, that the statements which it contained were altogether groundless [Hear, hear!].

Mr. *Peel* complimented the hon. gentleman on the very proper and liberal manner in which he had conducted himself on this occasion. So far was he from being sorry at the circumstance, that he was extremely happy an opportunity had thus been afforded of furnishing so public a refutation of the calumny in question. Had he been in England at the period in the last session when the petition was presented, his knowledge of the integrity of judge Day would have induced him to beg the House to suspend their opinion on the allegations which it contained. Since that time the learned judge had put him in possession of the most satisfactory evidence on the subject, namely, his private note book, which showed, that so far was he from having conducted himself in the way imputed to him, that he had acted in a manner most consistent with the dignity of the situation that he held, and with his duties both as a judge and as a christian. The learned judge, would, he was sure, be equally satisfied with himself, at the statement made by the hon. gentleman, and the handsome and liberal manner in which it had been made.

COTTON FACTORIES BILL.] Sir *Robert Peel* rose to make his promised motion on a subject, the importance of which increased more and more on every consideration of it. About fifteen years ago he had brought in a bill for the Regulation of Apprentices in Cotton Manufactories. At that time they were the description of persons most employed in those manufactories He himself had a thousand of them, and felt the necessity of some regulation with respect to them. Since that time, however, the business had been much extended. Manufactories were established in large towns, and the proprietors availed themselves of all the poor population of those towns. In Manchester alone 20,000 persons were employed in the cotton manufactories, and in the whole of England about three times that number. The business was of a peculiar nature, requiring of necessity that adults and children should work in the same rooms and at the same hours. It was notorious that children of a very tender age were dragged from their beds some hours before day light, and confined in the factories not less than fifteen hours; and it was also notoriously the opinion of the faculty, that no children of eight or nine years of age could bear that degree of hardship with impunity to their health and constitution. It had been urged by the humane, that there might be two sets of young labourers for one set of adults. He was afraid this would produce more harm than good. The better way would be to shorten the time of working for adults as well as for children; and to prevent the introduction of the latter at a very early age. Those who were employers of the children, seeing them from day to day, were not so sensible of the injury that they sustained from this practice as strangers, who were strongly impressed by it. In fact, they were prevented from growing to their full size. In consequence, Manchester, which used to furnish numerous recruits for the army, was now wholly unproductive in that respect. He hoped the House would allow him to bring in the Bill that night; he would then move that it be printed, and the second reading might take place at any future period that might seem convenient. The hon. baronet concluded by moving, "That leave be given to bring in a bill to amend and extend an act made in the 42d year of his present majesty, for the preservation of the health and morals of Apprentices and others employed in cotton and other mills, and cotton and other factories."

Lord *Lascelles* said, he felt considerable difficulty on the present subject, which was of the highest importance to the manufacturing districts. It was not all evils that were fit subjects for legislative interference; for instance, he highly applauded the bill of an hon. friend of his, respecting chimney-sweepers. But in the present case it should be recollected, that the individuals who were the objects of the hon. gentleman's proposition were free labourers. This excited his jealousy; for, were the principle of interference with free labourers once admitted, it was difficult to say how far it might not be carried. If there existed any thing radically vicious in the system, it ought to be inquired into. In fact, a parliamentary inquiry had taken place by a committee in 1816, and he could not help expressing his surprise, if the evils existed described by the hon. baronet, that no legislative measure had sooner been proposed. When the House were about to legislate on a large scale, they ought at least not to do so on *ex-parte* evidence privately obtained, but on evidence openly taken before a committee of the House or otherwise. If the evils stated in this *ex-parte* evidence really existed, it might be extremely desirous that something should be done to remedy them; still, however, the House ought to entertain a great jealousy on this subject. At all events, the subject ought to be canvassed and examined in the most open manner.

Mr. *W. Smith* thought the principle of the bill would be discussed more advantageously on the second reading, and he merely rose to say, that the measure had its origin in the report of the committee which sat in 1816, which contained fully sufficient grounds for it, although those grounds were certainly not weakened by the additional evidence which had been produced, and shown to particular individuals. He would also remind the House, that a petition had been received from the adult persons in this employment, against the existing practice, which alone proved the necessity of some farther regulation.

Mr. *Philips* strongly objected to the adoption of any measure of this description, and denied that the employment of children in the cotton factories operated, as had been described, to stint their growth, impair their comfort, or scatter disease amongst them. If he conceived that the establishment with which he was connected, though he was only what was called a sleeping partner in it, scattered disease and death in the manner which had been described, he should take shame to himself if he did not immediately attempt to remedy the evil. The fact was, however, that that establishment had been conducted in such a manner that it was an important benefit to the poor, and an example to other factories. In this, however, he himself had no merit, for the whole was done independently of him. During the twenty-seven years which that establishment had existed, no contagious disease had ever been known in it; and during eleven of those years returns of the state of health had regularly been made, and the sickness amounted only to a small fraction per cent. Out of a thousand persons employed, the whole sum paid to them in poors-rates did not exceed 5*l.* per annum—a fortieth part of the sum which the factory contributed to the poor. If such was the fact, could any man say that the employment was unhealthy? There was no manufactory in the country, from which, if the same means were taken which had been resorted to in this case, numerous petitions and complaints might not be got. About four or five persons had been very active in looking out for complaints; they had dispatched their emissaries secretly about the country, and had circulated papers among the people in the different factories for their signature. The hon. baronet had said, the petitioners, in order to have the number of hours reduced, would willingly submit to a reduction of wages; but the petitioners did not say one word about reduction of wages; and if they said they would consent to such reduction, he would not believe them. The habits of these people led them to combine together; and it required great delicacy on the part of their employers to prevent much mischief being done in this way. Small factories were often ill ventilated, and from that circumstance the health of a person might suffer more in six hours in one of these factories, than in fifteen hours in a factory which was well ventilated and properly constructed in other respects. But how could this evil be cured by any bill? The small factories generally went to ruin, and that was the cure for the evil. From the returns made to the House, out of 31,117, the number of persons employed in these returns, 1717, or 5½ per cent, were of the age of 10 and under, 13,203 from 10 to 18, and 16,197 of the age of 18 and upwards. Out of 27,827 persons, there were 1830 only who could not read. Out of 25,000 the number of persons returned sick was 163, very little more than ⅗ths per cent. For these and other reasons, he felt it to be his duty to oppose the hon. baronet's measure.

Mr. *Wilberforce* was desirous that the discussion should be reserved till the whole subject should be fully before them. If different systems of management prevailed in the conduct of different factories, that was a sufficient reason for inducing the House to require farther information. His hope and belief was, that a fair inquiry would prove that the interests of the manufacturers and those of humanity were not at variance. Whatever might be the result of the measure, he was sure the House must feel obliged to the hon. baronet. Discussion must lead to useful results. He was convinced that whatever originated with the hon. baronet was the result of experience, prudence, and humanity.

Mr. *Finlay* said, that excepting in one instance, in the county of Lancaster, there was no proof of the existence of any evils which could justify legislative interference. In that case indeed, evils existed of the highest description. But this was a factory conducted under the provisions of an act of parliament—a proof that no law could prevent bad men from doing wicked things. Even in this factory, however, it was proved, that though children were employed fourteen hours, they were notwithstanding in exceeding good health. He warned the House against entertaining any measure, which went, like the present, to interfere with a manufacture of such vital importance. It was the most important ever established in this country; indeed, he believed, it employed more people than all the other manufactures of the country taken together. The exports from it exceeded 20 millions a year; and what was exported was not equal to what the home consumption was. The whole amount of the manufactures was little short of 40 millions a year. The bill should extend to the linen and woollen manufactories, as the hours of confinement were in them equally long. The medical men, whose opinion had been quoted, had never been in the cotton factories, and a medical man had told a friend of his, six months ago, that within six months he would be a dead man. He mentioned that, to show that medical men were not infallible. In 1802 the hon. baronet had opposed a measure similar to the present, on the ground that it was impracticable. For himself, he should allow no one stage to pass without discussion, and he must express his regret, that on a question of such importance, none of the ministers should be present.

Mr. *Peel* wished to observe, that the bill now proposed to be brought in, was introduced in 1815: it was then withdrawn, as it was contended, that there was not sufficient evidence on the subject before the House. In 1816, a committee sat for the purpose of investigation. A bill was not introduced last year from the indisposition of the mover; but that was no reason why one should not be introduced now. It was no argument against such a bill that some factories were well regulated. If same factories were well regulated at present, that was a reason for the House adopting the regulations on which those factories were conducted. With respect to the instance of misconduct in Lancashire, which had been alluded to, it was proved that children were employed there fifteen hours a day, and after any stoppage, from five in the morning till ten in the evening—seventeen hours, and this often for three weeks at a time. On the Sunday they were employed from six in the morning till twelve, in cleaning the machinery. The medical men examined by the committee were some of them related to manufacturers, and well acquainted with factories. It was on evidence, that children had even been employed at an age as early as five, and some were employed under the age of seven. Could any person say, that a child of seven years of age ought to be employed fourteen hours? Was it necessary to have the evidence of medical men to prove that to employ a child of seven years of age was unfavourable to health? At the same time, he allowed that the subject was not without difficulty. A sort of personal reflection had been thrown out against an individual with whom he was nearly connected. An hon. gentleman had observed, that the individual in question had not introduced the bill till after he had acquired his wealth, and abandoned the trade. So far the hon. gentleman was perfectly correct in his facts. The hon. gentleman had stated, that the magistrates had complained of the manner in which the establishment with which the individual in question was concerned, was conducted; but he had stated this without qualification as to the time of such complaints. This referred to a period so far back as 1784, and again in 1796; and it was in consequence of these complaints that the bill of 1802 was introduced. A great change had taken place in the manner of conducting that manufactory since that period. Before the application of steam, it was necessary to select situations where falls of water could be had; these situations were frequently mountainous, and the population thin, and children were obtained as apprentices from large towns; but now these manufactories were in populous neighbourhoods. The individuals in question finding that in his own establishment abuses had taken place, and were kept from his knowledge by the overseer, and learning that the same abuses took place in other manufactories, gave a proof of his sincere wish to remedy the evil by bringing in the bill of 1802.

Mr. *Philips*, in explanation, observed, that the bill of 1802 was completely a dead letter, but that the manufactories were now in a far better state than they were at that time. The hon. member paid several compliments to the worthy baronet who had introduced the bill.

Mr. *Curwen* observed, that at the passing of the bill in 1802, the manufactories were conducted most infamously, but he could now state, from actual observation, that they were much better managed. The present measure did not appear to him to have been well digested; for instead of weighing the whole of the matters it was intended to embrace, the hon. baronet appeared contented with weighing parts. He thought he might be allowed to put the question, whether it was possible that individuals in the situation of parents, who, it must be generally admitted, had some portion of the milk of human nature where their offspring was concerned, should seek to wear away the health and spirits of their children by over exertion. Dr. Blane, previous to his examining some of the factories, had expected to find a great degree of sickness, and was greatly astonished at finding the very reverse. What, then, could have produced effects so striking, but that improvement in the system of preserving health which had been found so efficacious in many of his majesty's gaols? In fact, no set of persons could be more healthy than the children so employed, and he could have wished, before the House had been called upon to legislate, that a committee had been appointed to examine into the real state of the case. Before he sat down, he thought it right to remark upon the propriety of legislating between the parent and the child: it went to say, that those of the poorer order were not fit to be trusted with the management of their own children. Let the House not disguise from itself, that the moment it was ascertained that the hours of labour were to be reduced, that moment there would be an outcry for an increase of wages. It had been said, that the parties themselves would consent to a diminution of wages, and farther, that the measure would be the means of calling a greater number of persons into employment. But then the consequences must be, that if the earnings of persons were lessened in point of hours, there must be some means found for increasing their wages. In that case it must be ruinous to the individuals and hurtful to the country: for the well-being of the cotton manufacture must depend on our foreign relations, and the ultimate effect must be, that the trade would be destroyed, and a number of persons thrown out of employment. On a former occasion, he concurred in opinion with those who thought an alteration in the system not only proper, but necessary; but since then he had had many opportunities of becoming more practically acquainted with the details and with the real facts; and he now felt confident, that to legislate at all upon the subject, would be ruinous to the trade, and injurious to the parties who were intended to be relieved.

Sir *John Jackson* thought, as the House had given their attention to the amelioration of the situation of slaves abroad, that they could not in reason neglect their fellow-subjects at home. It was totally impossible that children kept at work for so many hours could be brought up with a due impression of their moral duties. He had had much conversation upon the subject with many persons connected with cotton mills, and particularly with the conductor of the establishment at New Lanark, and the general opinion was, that something was necessary to be done. He hoped, therefore, that the bill would be carried through the House. It came from an excellent quarter, for it was impossible to select a person more experienced in the business than the hon. baronet.

Sir *James Graham* was of opinion, that if children who were apprenticed were restrained from working sixteen hours a day, the House ought not to put any restraint upon free labour. As far as went to the relief of apprentices, it was proper to legislate; and he should be ready to go as far as any one in forming any measure for their amelioration. The House must be aware, that a committee upon this subject was appointed in 1815, but nothing final was agreed upon. In 1816 the same committee again sat, and their inquiry was proceeding when the session closed. The committee was not able to lay any report before the House, but they expected to be called upon to resume the inquiry. As nothing had resulted from the labours of that committee, the present bill was founded upon an *ex parte* exposition of the subject. The hon. baronet was not perhaps aware of this fact, but it was one which, in his opinion, ought to weigh with the House. He would not oppose the bringing in of the bill, but he would take every means of obstructing its progress upon every point which interfered with free labour.

The bill was brought in, and read a first time.

PETITIONS COMPLAINING OF THE OPERATION OF THE HABEAS CORPUS SUSPENSION ACT.] Lord A. Hamilton presented petitions from William Robertson of Meikle Govan, and from William Murray and David Smith in Calton of Glasgow, complaining of the Operation of the Habeas Corpus Suspension Act, and praying for redress.

Mr. *Finlay* said, that these persons had mistaken the fact. They had not been taken up under the Habeas Corpus Suspension act, for no person whatever had been so confined. He had seen a gentleman who had lately come from Glasgow, who stated to him, that these persons had been examined before magistrates, after they had been taken, and had been so well treated that they returned thanks for the treatment which they and their families had received. There was, in fact, not one word of truth in the petitions from beginning to end. At any rate, if they had thought proper they might by the usual process have obtained their liberty or their trial within sixty days.

Lord *A. Hamilton* thought it very natural for the petitioners to imagine that they were detained under the Suspension act, nor could he conceive, why, if they were properly confined, they had been discharged without being brought to trial.

Ordered to lie on the table.

GAMBLING SUPPRESSION BILL.] Mr. Ogle moved the order of the day for the second reading of this bill.

Mr. *Bankes*, conceiving that the bill would not tend to suppress the vice of gaming, moved that it be read a second time on that day six months.

Sir *F. Flood* said, that so far from putting down gaming, this bill went to encourage it. This was evident from the title of the bill, for it professed to have for its object to regulate houses kept for the purposes of play; and regulation, he observed, was not suppression. He thought nothing could be more injurious to property, reputation, and life than the vice of gaming. It had brought many individuals to ruin, had produced great private misery, and had deprived the country of many persons who might otherwise have been useful and valuable members of society. Upon these considerations, it ought to be suppressed but this, he repeated, was a bill which professed to regulate, and not to suppress. He should, therefore, vote for the amendment, for he could never consent to license the practice, as was done in France, both for gaming and brothel keeping.

Mr. *Lockhart* said, it was impossible to give effect to this bill, for at common law a gaming house was a nuisance, and there was no power vested in magistrates to grant a licence under such circumstances.

Mr. *Ogle* remarked on the extent of gaming houses in London. There were more than a thousand of them creating all sorts of mischief. He did not think that the bill would interfere with the common law of the land, he would, however, consent to withdraw it.

The amendment was then agreed to.

HOUSE OF LORDS.

Monday, February 23.

REPORT OF THE SECRET COMMITTEE OF THE HOUSE OF LORDS ON THE INTERNAL STATE OF THE COUNTRY.] The Duke of Montrose presented the following

REPORT of the Secret Committee of the House of Lords, appointed to examine into the matter of the several Papers, sealed up, presented to the House by command of the Prince Regent.

BY THE LORDS COMMITTEES appointed a Secret Committee to examine into the matter of the Papers presented to this House, in a Sealed Bag, by the command of his Royal Highness the Prince Regent, and to report to the House as they shall see cause; And to whom were referred Additional Papers (sealed up,) also presented to the House by the command of his Royal Highness the Prince Regent.

Ordered to Report:—That the Committee have proceeded to examine the papers so referred to them.

In execution of this duty they have proceeded, in the first place, to consider such of the said papers as contained information as to the state of those parts of England in which the circumstances detailed in the two reports of the former committees appear to have arisen.

In the last of those reports, presented to the House on the 12th of June last, it was represented that the period of a general rising, of which the intention and object were stated in the reports, appeared to have been fixed for as early a day as possible after the discussion of an expected motion for reform in parliament; that Nottingham appeared to have been intended as the head quarters, upon which a part of the insurgents were to march in the first instance; and that they expected to be joined there, and on their march towards London, by other bodies with such arms as they might have already provided, or might procure by force from private houses, or from the different depôts or barracks, of which the attack was proposed That concurrent information, from many quarters, confirmed the expectation of a general rising about the time above-mentioned, but that it was subsequently postponed to the 9th or 10th of June, for which various reasons had been assigned. The report added, that the latest intelligence from those quarters had made it highly probable that the same causes which had to that time thwarted the execution of those desperate designs, viz. the vigilance of the government, the great activity and intelligence of the magistrates, the ready assistance afforded under their orders by the regular troops and yeomanry, the prompt and efficient arrangements of the officers intrusted with that service, the knowledge which had from time to time been obtained of the plans of the disaffected, and the consequent arrest and confinement of the leading agitators would occasion a still farther postponement of their atrocious plans.

It now appears that in the night of the 9th of June last, a rising took place in Derbyshire, headed by a person who went for that purpose from Nottingham, and was therefore called "The Nottingham Captain." The insurgents were not formidable for their numbers, but they were actuated by an atrocious spirit. Several of them had fire arms; others had pikes previously prepared for the purpose: and as they advanced towards Nottingham they plundered several houses of arms, and in one instance a murder was committed. They compelled some persons to join them, and endeavoured to compel others by threats of violence, and particularly by the terror of the murder which had been committed; and they proposed to reach Nottingham early in the morning of the 10th of June, and to surprise the military in their barracks: hoping thus to become masters of the town, and to be joined by considerable numbers there, and by a party which they expected would be assembled in Nottingham Forest, and which actually did assemble at that place, as after stated. The disposition to plunder, the resistance they met with, and other circumstances, so delayed their march, that they had not arrived near their place of destination at a late hour in the morning: and the country being alarmed, a military force was assembled to oppose them.

¶ The language used by many persons engaged in this enterprise, and particularly by their leaders, leaves no room to doubt that their objects were the overthrow of the established government and laws; extravagant as those objects, were, when compared with the inadequate means which they possessed. In the course of their march, many of their body felt alarmed at the atrocious projects in which they had engaged, which had actually led to a cruel and deliberate murder; they found that their confederates had not arrived to their support, as they had been led to expect; and in the villages through which they passed, a strong indisposition being manifested towards their cause and projects, some of them threw away their pikes and retired, before the military force appeared; and on the first show of that force, the rest dispersed, their leaders attempting in vain to rally them, many were taken prisoners, and many guns and pikes were seized.

This insurrection, of small importance in itself, is a subject of material consideration, as it was manifestly in consequence of measures detailed in the two reports above-mentioned, and appears to have been a part of the general rising proposed to take effect on the 9th or 10th of June, as stated in the last of those reports.

At the assizes at Derby, in the month of July following, the grand jury found bills of indictment for high treason against forty-six of the persons charged with having been engaged in this insurrection; and several of those persons having been taken were arraigned upon the indictment before a special commission issued for that purpose, which sat at Derby in the month of October following. Four of the principal offenders were separately tried and convicted; three of them were executed! and the capital punishment of the fourth was remitted, on condition of transportation. The conviction of these four induced nineteen of the other persons indicted, whose conduct had been deemed in the next degree most criminal, to withdraw their pleas of not guilty, and to plead guilty to the indictment, in hopes of thus avoiding a capital punishment; and the sentence of death on these persons was afterwards remitted, on different conditions. Against all the other persons indicted, who were in custody, the law officers of the Crown declined producing any evidence and they were accordingly acquitted. The rest of the persons included in the indictment, had fled from justice, and have not yet been taken.

The fact of this actual insurrection first proved to the satisfaction of a most respectable grand jury of the county of Derby, who found the bill of indictment, and afterwards proved in open court, to the satisfaction of the several juries, sworn on the four several trials of the persons convicted; proved also, by the acknowledgment of the same guilt by those who withdrew their pleas of not guilty, and pleaded guilty to the same indictment, and thus submitted themselves to the mercy of the Crown, appear to the committee to have established beyond the possibility of a doubt, the credit due to the information mentioned in the last report, respecting the plans of more extended insurrection, which had previously been concerted, and respecting the postponement of these plans to the 9th or 10th of June.

But this insurrection in Derbyshire was not the only circumstance occurring since the period described in the last of the two reports before-mentioned, which demonstrates the correctness of the information on which the committee who made that report proceeded, in representing such a general rising to have been intended, and to have been postponed; and that Nottinghamwas the head quarters upon which a part of the insurgents were to march in the first instance; and that they were expected to be joined there by insurgents from different quarters.

Early in the same night on which the Derbyshire insurgents began their operations, the town of Nottingham was in a state of considerable agitation. It appears from the evidence given upon the trials at Derby, that during the march of the Derbyshire insurgents towards Nottingham, one of their leaders, afterwards convicted of high treason, was sent forwards on horseback, to obtain intelligence. On his return to the main body of the Derbyshire insurgents, it was pretended that the state of Nottingham was favourable to their designs; the actual state of Nottingham and its neighbourhood, appears from the evidence given on the trials at Derby. In the night of the 9th of June, some persons, stated to be in number about one hundred, had assembled on the race course, in Nottingham Forest, where the Derbyshire insurgents, according to their original plan, were to have arrived at an early hour on the morning of the 10th, and expected to be joined by such a party. This party was seen about twelve at night; they were drawn up in line, two deep, and a part of them were armed with pikes or poles. They remained assembled on the race ground until past two o'clock in the morning, about which time they dispersed. Some appearances of disturbance in the town of Nottingham early in the night of the 9th, induced the magistrates to send for a military force from the barracks; and order being quickly restored, the military returned to their barracks, and were not again called out, until the morning of the 10th, when they were required to assist in dispersing the Derbyshire insurgents, who were then on their march.

Connected with these disturbances in Derbyshire and Nottinghamshire, a disposition to similar conduct was manifested in a part of the West Riding of Yorkshire. On the 6th of June a meeting of delegates was assembled at a place called Thornhill Lees, near Huddersfield; and at this meeting it was understood, that the time to be fixed for a general rising would be announced. The persons assembled at that meeting were surprised by the magistrates, assisted by a military force, and some were taken into custody. This arrest deranged the plans of the disaffected; and the greater part of the districts in that part of Yorkshire, in which a general rising had been proposed, remained quiet. But in the neighbourhood of Huddersfield, in the night of the 8th of June, a considerable body assembled, some with fire arms, and others with scythes fixed on poles, and proceeded to various outrages, plundering Houses for arms, and firing on the head-constable of Huddersfield, and upon a person of the Yeomanry cavalry, who went out of the town to learn their objects. Indictments were preferred both for the felonies and the burglaries at the assizes at York in the month of July. The facts of the outrages there committed appears to have been established by the finding of the bills by the grand jury; but sufficient evidence was not produced on the trial to bring the crimes home to any individuals.

From the evidence given at the trials at Derby, it appeared that the Derbyshire insurgents had expected a considerable reinforcement from this part of Yorkshire, believing that a general rising would take place at the time to be fixed for that purpose; and it appears likewise, that in Yorkshire, as well as in all the other districts where these designs were carrying on, great reliance has uniformly been placed upon the hope of powerful support and co-operation from London, however erroneous such an expectation may have been, with respect to the extent to which it was supposed to have existed.

The committee have the satisfaction of delivering it as their decided opinion, that not only in the country in general, but in those districts where the designs of the disaffected were most actively and unremittingly pursued, the great body of the people have remained untainted, even during the periods of the greatest internal difficulty and distress.

The arrests and trials which have taken place, and the developement of the designs of the leaders of the disaffected, together with the continued activity and vigilance of the magistrates and of the government, must have had the salutary effect of checking the progress of disaffection, where it existed; and the improved state of the country, and the increased employment now afforded to the labouring classes, have contributed to render those who were most open to seduction, less disposed to embrace the desperate measures which the pressure of distress might have led them to hazard.

Some of the persons engaged in these projects, particularly in London, are still active, and appear determined to persevere, though with decreasing numbers and resources. It appears, therefore, to the committee, that the continued vigilance of government, and of the magistrates in the several districts which have been most disturbed, will be necessary.

Having thus taken a view of the state of the country in the disturbed districts, from the period described in the report made to the House towards the close of the last session of parliament, the committee have proceeded to examine such of the papers referred to them, as relate to the arrests of several persons under warrants issued by one of his majesty's principal secretaries of state, and the detention of several of the persons so arrested under the authority of two acts passed in the last session of parliament, to empower his majesty to secure and detain such persons as his majesty shall suspect are conspiring against his person and government.

With respect to those against whom bills of indictment were found by different grand juries, and those who have been brought to trial or have fled from justice, the committee conceive that it is unnecessary for them to make any particular statement. Warrants were issued by the secretary of state against ten persons, who have not been taken. Forty-four persons appear to have been arrested under warrants of the secretary of state, on suspicion of high treason who have not been brought to trial; of these, seven were discharged on examination, without any subsequent warrant of detention. Against thirty-seven, warrants of detention, on suspicion of high treason, were issued by the secretary of state: but one, who was finally committed, was soon after released; another was soon discharged on account of illness; and a third died in prison. The grounds upon which those warrants were issued, have been severally examined by the committee; on that examination it has appeared to the committee, that all these arrests and detentions have been fully justified by the various circumstances under which they have taken place; and in no case does any warrant of detention appear to have been issued, except in consequence of information upon oath.

It appears to the committee, that all the persons who were so arrested and detained, and who were not prosecuted, have been at different times discharged, as the state of the country, and the circumstances attending the several trials which had taken place, were judged to permit.

The committee understand that, up to a certain period, expectations were entertained of being able to bring to trial a large proportion of the persons so arrested and detained; but that these expectations have from time to time been unavoidably relinquished.

On the whole, therefore, it has appeared to the committee, that the government, in the execution of the powers vested in it, by the two acts before mentioned, has acted with due discretion and moderation; and as far as appears to the committee, the magistrates in the several disturbed districts have, by their activity and vigilance, contributed materially to the preservation of the public peace.

The Report was ordered to be printed.

Earl *Grosvenor* observed, that the report afforded no new information to the House. It was little more than a transcript of what had been stated by the former committees, and what had passed on the trials at Derby. There was nothing like any proof that the state of the country required such measures as those which had been adopted on the recommendation of ministers. He must express his regret that the Habeas Corpus act had been suspended on such slender evidence. Their lordships had now a view of all the mighty danger through which they had passed; but to enable the House to judge of the conduct of ministers, it was desirable that the whole evidence presented to the committee should be laid before parliament; and lest the publicity might be attended with danger to any individuals, he suggested that the evidence might be given in blank.

The Earl of *Liverpool* said, it was the intention of lord Sidmouth to present a bill on Wednesday, founded on the subject matter of the report of the Secret Committee.

The Earl of Carnarvon presented a petition from the inhabitants of Manchester and Salford, the same as the petition presented by Mr. Philips in the House of Commons on the 10th instant. The noble earl also presented petitions from William Ogden, and James Sellers, similar to those presented to the House of Commons, complaining of outrage and ill-treatment in the mode of their arrest and confinement, and praying against a bill of indemnity.

Slave Trade.] Lord *Holland* adverted to the address of the House to the throne, praying that the colonial assemblies in the West Indies might be urged to adopt such measures as might be most effectual for preventing any traffic in slaves, and wished to be informed whether ministers meant to bring the subject under consideration, by presenting the acts of the colonial legislatures relating to this subject? He did not mean this in any hostility to ministers, who he had no doubt had done all in their power to urge the colonial assemblies to adopt the requisite measures; nor did he doubt the disposition of the latter. He knew, indeed, that in Jamaica measures to the effect desired had been adopted under the auspices of the noble duke who presided there as governor, and whose conduct in that station was equally honourable to the government here, and advantageous to the interests of the island.

Earl *Bathurst* said, that the whole of the acts of the colonial legislatures upon this subject had not yet been received; and that, therefore, it was thought most adviseable not to bring the subject under consideration till they had all come to hand. The noble lord might be assured, that the subject had received from his majesty's ministers that attention which it so justly merited.

HOUSE OF COMMONS.

Monday, February 23.

Bath Gas Lights Bill.] Mr. Dickinson having moved the second reading of this bill,

Colonel *Palmer* opposed the motion. He was, he said, instructed to state, by the mayor and corporation of Bath, that they did not object to the principle of the measure, but that as the guardians of the interests of their fellow citizens, it appeared to them that as there was much difference of opinion with respect to the merits of the Gas Light, as there was no necessity for the immediate adoption of the invention in Bath, and as improvements were every day making in the preparation and management of the gas itself, it would be better to wait the result of those improvements than to take a hasty step of which they might afterwards repent. It had been said by the friends of the bill, that it was the universal wish of the inhabitants of Bath, that it should be carried. The fact was, however, that a great majority of the owners of property in Bath were adverse to it. The promoters of the measure were shareholders, and other interested persons. The corporation, on the contrary, had no interest in it, but were actuated solely by their zeal for the prosperity of the city. He pledged himself, that whenever it should appear to be the real wish of the majority of householders, and other inhabitants of Bath, to have the gas introduced, the mayor and corporation would not only consent to its introduction, but aid it by every means in their power. There was one clause of the bill to which he wished the attention of the House to be particularly directed, as it clearly manifested the contrariety of opinion which existed on the subject in Bath; he meant the clause by which the property of one of the principal land owners in Bath, earl Manvers, was exempted from the operation of the bill. Another great land owner at Bath, lady Rivers, objected to the bill. If this bill for the partial lighting of Bath, were agreed to, the whole city might be injured, should it prove a nuisance rather than a benefit. He had been one of the warmest advocates of the gas light himself. No man could observe its beauty, and reflect on its economy, without being so; but within the last two days, he had heard some circumstances which rather shook his opinion. If there was any one place in the kingdom in which it was to be expected that the gas would be in the best state, it was the spot on which they were, as it was naturally the interest of the contractors to take care that it should appear to advantage under the observation of the members of the legislature. He happened lately, however, to be in company with a gentleman who resided in the immediate vicinity of that House, and who declared, that frequently for days, and sometimes for weeks, the smell of the gas was abominable. He had also been told by another gentleman at Chelsea that having been at the expence of fitting up his whole House with gas lights, he had found the effluvia so intolerably offensive, and so injurious to the health of his children, that he had been compelled to have the apparatus removed. On all these grounds, he moved, as an amendment, that the bill be read a second time that day three months.

Mr. *Gordon* maintained, that if the corporation of Bath had no objection to the principle of the bill, it ought to be allowed to go into the committee, in which its various details might be fully discussed. There had been petitions from two or three thousand inhabitants of Bath in favour of the measure. The fact was, that the corporation of Bath wished to undertake the job themselves, conceiving that it would be profitable. They had already the superintendence of the Water, the Assembly Rooms, &c. and it would be too much to add thereto that of the Gas Lights.

Mr. *Methuen* observed, that a more respectable body of gentlemen could not exist than the members of the Bath Gas Light Company. He should therefore contribute every thing in his power, to carry their wishes into effect.

Mr. *Curwen* observed, that the clause respecting earl Manvers was copied from the corporation bill. He had had a communication with the corporation of Bath, on the subject of the proposed measure, and although he had offered to guard the interests of that corporation in the bill, by every practicable provision, he was not listened to, but was told that they would depend on the strength of noses in the House of Commons.

Lord *John Thynne* opposed the second reading of the bill.

Mr. *Protheroe* thought the only question for the House to decide was, in whose hands the supply of the city should be placed. As for the corporation, he feared they were a set of gentlemen who moved about business much too slowly in their fur gowns, to expect they would effect any thing that required energy or spirit. He felt a preference for the other parties, as being more competent and efficient, and should, therefore, support the bill, at least until it was brought into a committee.

Mr. *P. Moore* wished the bill to go into a committee, and expressed his intention, when it got there, to draw the attention of the committee to the prices charged by the Gas Light Companies. For lamps for which they formerly charged 25*s.* a-year, their present demand was four, five, or six pounds. For parish lamps, which they formerly charged at half a farthing a piece, they now charged three farthings.

Sir *B. Hobhouse* hoped the bill would be permitted to go into a committee, when, if its regulations appeared beneficial, the House would do well to forward it through its remaining stages.

The House then divided: For the Amendment, 38; Against it, 79.—The bill was then read a second time.

PETITION OF THE CORPORATION OF LONDON FOR AN INQUIRY INTO THE CONDUCT OF MINISTERS WITH REGARD TO THE EXECUTION OF THE HABEAS CORPUS SUSPENSION ACT.] Mr. Sheriff Desanges presented at the bar of the House a Petition from the lord mayor, aldermen, and commons of the city of London, in common council assembled; setting forth,

"That the Petitioners, holding in veneration the sacred principles of freedom upon which the British constitution is founded, have witnessed with the deepest concern the frequent and dangerous innovations which, upon unfounded alarms and pretences, have of late years been made thereon, more particularly by the suspension of the Habeas Corpus act, and other restrictions upon the liberty of the subject, during the last session of parliament; the petitioners remind the House that the Habeas Corpus act was passed at a period remarkable above all others for plots and alarms, that it conferred no new right, but was intended as a barrier for the liberty of the subject in consequence of the frequent arbitrary and illegal arrests and imprisonments, upon charges of sedition and treason, by the corrupt and tyrannical ministers of those days; they submit to the House, that if this great bulwark of personal security is to be suspended whenever the people labour under heavy grievances, and the misconduct of ministers has impelled them to lay their complaints before parliament, or at the foot of the throne, instead of inquiring into and redressing them, this boasted right is become a dead letter, its whole efficacy is lost, and it had better at once be struck out of the Statute book than be suffered to remain only as a sad and mortifying memorial of what Englishmen formerly enjoyed; that the petitioners did, in the last session of parliament, implore the House not to assent to any proposition for depriving the people of that essential part of the constitution, the Habeas Corpus act, no precedent whatever existing of such a measure having been resorted to at a period of profound peace; they deprecated the precipitancy with which measures of such vital interest were hurried through parliament; they complained then, and they complain now, that they were founded upon the reports of secret committees, upon which were some of the ministers of the Crown, and upon *ex-parte* evidence alone, selected by those ministers, without even farther investigation after those reports had been contradicted in some of their most material parts, and had been offered to be disproved at the bar of the House; that since the passing of the said act, the petitioners have viewed with indignation and horror the vindictive cruelty with which ministers have exercised the powers intrusted to them; numerous individuals have been torn from their wives and families, dragged into distant prisons, where they have been immured, heavily ironed, for months together, and afterwards released without being brought to trial, or even knowing the charges against them, although repeatedly demanding to be brought before the legal tribunals of the country; the petitioners cannot sufficiently express their abhorrence at the employment of infamous and abandoned wretches in the capacity of spies and informers, the hired agents of government, who, it appears, have been traversing the country, and, wherever distress and misery had engendered discontent and irritation, these inhuman wretches have, by the basest artifices and falsehoods, endeavoured to excite simple and deluded men into acts of outrage and treason, and in the instances where convictions have taken place, the petitioners feel convinced, from what has transpired, that the unhappy and deluded individuals were the victims of these abandoned agents; that, notwithstanding the solemnity with which the magnitude and atrocity of the treasons in Scotland were said to exist, the petitioners can find no record of any conviction for the crimes alleged, although the most disgraceful tampering with a witness appears to have taken place in order to procure such conviction; that in the metropolis, after the greatest prejudice had been excited by ministers against an individual, and after vindictively persisting in putting him on his trial the third time, not content with the previous acquittal of two successive juries, during which trials attempts were made to deprive him of the only means of defence by which he could establish his innocence, ministers experienced equal disgrace and discomfiture; and the petitioners cannot refrain from expressing to the House their conviction that those prosecutions were not undertaken for the protection of religion, but for political objects, and that had the publications been in favour of ministers, or in ridicule of their opponents, they would not have excited the attention of the government, unless, as in other cases, to reward the authors; that, while these acts of severity and oppression have been pursued with unrelenting rigour, although the sufferings of the people have been unexampled, and the numbers of their petitions without precedent, their grievances have neither been redressed nor their complaints inquired into; and the petitioners believe that the groundless alarms excited by ministers were solely for the purpose of stifling complaints and protecting abuses; the petitioners have looked with anxiety to the recent proceedings of the House; the Commons House of parliament has been represented by the best authorities as the great inquest of the kingdom, to search into all the oppressions and injustices of the king's ministers; it is long since the petitioners have seen this important and necessary function exercised, but they entertained the most sanguine hopes that the House, after the unexampled difficulties and privations the people had endured, aggravated as they have been by the arbitrary and oppressive acts of the ministers, would at length have instituted the most serious and rigid inquiry into the multiplied oppressions and injustices of the king's ministers; the petitioners cannot conceal from the House that they look with no confidence to any report that the committees of secrecy now sitting may make, the said committees appearing to be composed for the greater part of placemen, and those very ministers whose conduct is the subject of investigation; that a committee thus formed is at variance with every established principle of civil or criminal jurisprudence, and cannot satisfy the justice and expectation of the country; the petitioners therefore humbly pray the House to institute an immediate, impartial, and rigid inquiry into the conduct of ministers, under the late suspension of the Habeas Corpus act, and that the whole proceedings connected therewith may be referred to such committee as shall be composed of such members only of the House as hold neither places or pensions under the Crown; and they farther pray, that the House will not render the vaunted responsibility of ministers a mere name, by passing a bill of indemnity, and preclude those who have been the victims of oppression and persecution from the means of appeal to the laws of the country."

Ordered to lie on the table, and to be printed.

COTTON FACTORIES BILL.] On the order of the day for the second reading of this bill,

Sir *Robert Peel* said, he wished to offer a few observations to the House with regard to the nature of the bill. The principle of it was exactly the same as that of the bill which he had brought in in 1815; and he hoped, for the sake of those unhappy children for whose protection it was intended, that he should succeed in his object. When he brought in a bill for regulating the labour of apprentices in cotton mills, in 1802, he told the House that he was an advocate of free labour. He was still an advocate of free labour, and he wished that that principle should not be infringed on. He could not think that little children, who had not a will of their own, could be called free labourers. They were either under the control of a master or a parent. He hoped the House would take these children under their protection. If ever there was a case which deserved the attention of every member of the House, the present was that case. He well knew that many factories were conducted in the most reputable manner; but, at the same time, he knew that there were other factories conducted very differently. There were many poor children in every part of the kingdom whom there was no way of protecting but by act of parliament. He hoped the same course which was adopted three years ago would be adopted now—that the second reading would be agreed to, and the clauses of the bill filled up in a committee; and plenty of time would be allowed for circulating the bill up and down the country. He pledged himself that no future proceeding should take place till after the holidays, and that therefore no person should be taken by surprise. In the bill brought in in 1815, the age at which children might be employed was fixed at ten. He now proposed the age of nine years, and that the powers of the act should terminate when the child reached the age of sixteen, and could be considered a free agent. He, therefore, now recommended that children employed in cotton factories, should, from nine to sixteen, be under the protection of parliament, and before nine that they should not be admitted; that they should be employed in working eleven hours, which, with 1½ hours for meals, made in the whole 12½ hours. It was his intention, if possible, to prevent the recurrence of such a misfortune as that which had lately taken place—he alluded to the fourteen poor children who were lately burnt in the night in a cotton factory. He knew that the iniquitous practice of working children at a time when their masters were in bed too often took place. He was ashamed to own that he had himself been concerned where that proceeding had been suffered; but he hoped the House would interfere, and prevent it for the future. It was his wish to have no night-work at all in the factories. The hon. baronet concluded by moving that the bill be read a second time.

Lord *Lascelles* did not rise to make a professed opposition to the motion of the hon. baronet, because he had stated that the bill might lie over, the blanks be filled up, and the whole country have proper notice of what was going forward. In one part of the bill he agreed with the hon. baronet, namely, in that part which limited the ages of the children employed in the manufactories. If there was any abuse with regard to the age, it certainly called for the attention of the House. There was one thing which ought to be observed: in former times a great part of the manufactories had been conducted upon streams of water, but lately the introduction of steam had removed many of them into remote parts of the country. But still a number were upon streams. The bill was calculated to give a great superiority and advantage to those factories that were carried on by steam. They could, in fact, do as they liked; they could work eleven or twelve, or whatever number of hours they chose. But it was not so with those upon streams. There were many of those that could not work except when the water suited them; and if they were limited to the hours prescribed by the bill, they would be rendered useless, which was a very strong fact for the consideration of the House. The real grounds of the bill, it should be observed, did not arise out of any of the proceedings of 1816, but, in a great measure, upon other evidence. But he would say, that whatever evidence was brought up in the pockets of certain individuals from the country, when that evidence fell upon the characters of people not present, it was hard that they could not be heard in their own defence. That method of taking evidence was a kind of underhand mode of proceeding. He by no means alluded to any part of the conduct of the hon. baronet; he was speaking of the impropriety of the production of that kind of evidence. It was such evidence as he was not at all partial to. He should not oppose the bill in its present stage, as the hon. baronet had professed his intention of giving ample time for consideration.

Mr. *Philips* commented on the proceedings which had been resorted to in order to get signatures to the petition which had lately been presented by the hon. baronet from the persons employed in the cotton factories. He entered into some of the particulars of the evidence taken by the committee, which went to prove, that persons were employed at an earlier age, and for longer hours, in weaving, than in the cotton factories. On what principle could they interfere with free labour in cotton factories, and not at the same time regulate the age at which children could be employed in weaving, and the number of hours which they should work? To prove the unhealthy nature of the employment in cotton factories, the matron of the fever ward of the Manchester infirmary had been examined, who stated, that the number of persons employed in such factories, brought to the fever ward, was disproportionately great. He was convinced, at the time this evidence was delivered, that the statement was incorrect. In order to obtain correct information on the subject, he had had reference to the books of the infirmary, and he found that the whole number of persons, at a certain period, was 180, and that of this number only 19 were from the cotton factories. In July, 1817, the whole number of persons in the Manchester infirmary, amounted to 370; of that number, 55 only were from the cotton factories. Now, the number of persons in Manchester, engaged in the cotton factories, amounted to 24,000, while the population was between ninety and a hundred thousand. There was, therefore, the most complete evidence of the superior health of the persons engaged in the cotton factories, to that of the other inhabitants. He referred to a report from the poorhouse of Preston from 1815 to 1816, to show how little burdensome this class of manufacturers in general was to the country. The whole number of persons in the workhouse exceeded 600; and of these, there was not one person who had ever been employed in any cotton factory. With respect to the factory with which he was concerned, they had a sick fund of their own; but when the working people saw disease and misery around them, they, of their own accord, and without the least excitement from others, contributed 24*l.* from their sick fund to the Manchester infirmary, and 24*l.* to a fund for the poor of that town. With respect to the healthiness of the employment, he would state the opinions of two medical gentlemen in Manchester, of the first eminence, Dr. Home and Dr. Henry. The hon. gentleman then read a letter from Dr. Henry. In that letter Dr. Henry stated, that if any disease was proportionally more frequent than any other in cotton factories, it was pulmonary consumption; persons between the ages of 15 and 45, employed in such factories, were more subject to consumption than persons in many other employments; but, on the other hand, he would decidedly say, that chronic rheumatism, a most severe disease, was very frequent there, and which often disqualified, for a great length of time, persons afflicted with it from labour, was much less common among persons engaged in cotton factories, than among dyers, bleachers, and weavers. Dr. Henry thought, however, that the temperature of some of the rooms was higher than was consistent with health; but if the temperature could be reduced to 65 or 60, there was no reason why a well-regulated factory should not be as healthy as an ordinary apartment. Dr. Home had told him (Mr. Philips), that he had not the slightest doubt of the superior health of the persons engaged in cotton factories, compared with persons in other manufactories. If they regulated labour in cotton factories, did they think that other manufacturers would be quiet? In well-conducted factories few or no children were taken under nine—an employer would not wish to have them at an earlier age. He wished gentlemen to pause before they interfered with such an important manufacture. They ought to know, that the yarn spun in this country was much more than sufficient for our domestic use. On this subject there was the greatest jealousy abroad; and there had also been an application last session for a duty on the exportation of cotton yarn. On the continent the hours of working were fully as long as in this country, and unlimited. The language of the continental manufacturers was, "if your legislature only limit the hours of labour, or lay a duty on the exportation of yarn, that is all we ask. If your legislature would limit your hours, while ours are left unlimited, and impose an export duty on yarn, a greater effect would be produced by these measures in our favour, than by all the measures which our own governments could take." The hon. baronet was less acquainted now with Lancashire than he had once been. He did not know, perhaps, the difficulty there was in employing free labourers, from the facility with which they could combine. What would be the consequence of an attempt to regulate labour? Would it not be to spread Luddism through the whole country? There was much more danger from this spirit in good than in bad times. He did not object to the limitation of the age at which children could be employed; but in consequence of the improvements in machinery, persons of more advanced age were required than formerly. Night-work could not be carried on to advantage. It might have been advantageous when the manufacture was confined to few hands; but since the general diffusion of the manufacture, the profits were too small to admit of the expense of night-work. For these reasons, he felt it his duty to oppose the second reading of the bill.

Mr. *Davenport* said, that he was a member of the committee appointed to inquire into this subject in the year 1816, and he thought that the legislature ought not to interfere without the most serious deliberation. He did not wish to give any opinion on the question in its present state; but he trusted that the House would not proceed with any indiscreet haste. If the bill was founded on the report of the committee, it might be desirable to hear the opinions of the different members who had attended most closely to the investigation of this matter; if it was founded on the petition which had been recently presented, it might be proper to inquire into the truth of its allegations, with a view to ascertain whether the petitioners might not have asked for the adoption of a measure which would be more injurious than beneficial to their interests.

Mr. *Peel* said, that the wish of the author of the bill was, to avoid for the present, the discussion of it; and to postpone the consideration till it had been committed, and the blanks filled up. Until that period arrived, it was difficult to judge of its nature or effects. Besides those who approved of the whole of the bill, some agreed to that part which fixed the minimum of age, and some to the prohibition of night work; from those he hoped in the present stage it would meet with no opposition. When it had been committed and the blanks had been filled up, it was proposed to print it, and circulate it, to collect the sense of the manufactures on the subject. He knew there were also some who opposed any regulation on the subject, as a matter unfit for legislation. But if it was unfit for legislation, it could hardly be said to be unfit to be entertained. It was objected with a show of plausibility, that it was improper to interfere with free labour; but from the age of the children, and from the situation of the factories, their labour could hardly be said to be free. The masters of the cotton mills fixed the same hours of labour for all the persons employed, and a child could not say, that he would not work nine hours; he must work the ordinary number of hours, or not at all. He was satisfied that a number of mills were well managed, but he repeated, that it was for those which were improperly managed, that legislation was meant. The noble lord had said, that the bill was founded not on the evidence before the committee, but on evidence of a private nature, which was kept in the pocket of the mover of the bill, and which reflected on individuals. He was induced to state what this information was; he did not wish to keep it to himself, but would communicate the whole of it to any gentleman. It consisted of the result of recent inquiries of gentlemen in Manchester. One was Mr. Simmons, senior surgeon of the Manchester Dispensary, who said, he gave his opinion on the aggregate of cases which had been presented to him; and was convinced, that the hours which children laboured in the factories were too great for human indurance; that he shuddered to think of the effects of it, and that he did not think the practice would have been continued, but because the consequences were not known. The vicar of St. John's, Manchester, and another gentleman who inspected the Sunday school which many of these children frequented, had also stated, that from their observations, the long hours of labour were prejudicial to the health of children. He was somewhat surprised at the levity with which the hon. gentleman had treated the petition which had been presented, while he had dwelt so much on another petition from the same place. He (Mr. Peel) was not himself inclined to dwell much on this petition, but it was satisfactory on this point, that the petitioners being the parents of the children, wished parliament to interfere on the subject. They stated, that as from their poverty they were unable to do without the labour of their children, they were compelled to submit to the hours which the masters of the factories chose to establish. It was obvious, then, that the parents themselves had no discretion or control in the business, and that the legislature alone could regulate the management of these factories.

Mr. *Finlay* was decidedly of opinion that there was no occasion for the bill. It was brought forward on evidence which had never been seen, and which those who opposed the measure had therefore no opportunity of rebutting. He had every reason to believe, that a great many of the facts would turn out to be incorrect. If the House suffered the bill to pass, they would do a great injury to the good works, which required no regulation at all, without being able to compel the bad works to adhere to those regulations, upon which all the benefits of the bill must depend. He maintained, that the limitation of the hours of labour would be so prejudicial to the cotton manufactories, as to remove to foreign countries a very considerable portion of this branch of trade. He was no advocate for employing children of a very young age; but it had been his misfortune (for so he must consider it), to be a member of a committee who were appointed to visit the gaols of this city, and he saw in them, children of ten and eleven years of age, who had been condemned for offences; whereas, if they had been employed in manufactories, they would have learnt the benefits of industry, would have been saved from the punishment of the law, and at the same time would have contributed to the support of their parents and families. He was persuaded that great prejudices existed on this subject. In the linen and woollen manufactories the hours of employment were generally longer than in the cotton-factories. The latter had been much improved since 1802, and the children employed in them were better clothed, lodged, and fed. He had no objection, however, to limit the employment of children to those who were above nine or even ten years of age. The hon. member then read a statement made by an hon. member in a committee on a former occasion, tending to show that legislative interference in the manner proposed by the bill under consideration, would be rather prejudicial than otherwise; and in this opinion he fully concurred. He therefore hoped the House would proceed with great caution.

Mr. *Curwen* said, that after the fair and candid explanation which had been given, though he had objected to the principle of the bill, he should not oppose it in the present stage.

Sir *F. Burdett* said, he was gratified that some legislative interference was about to take place on this subject. They did not want the opinions of physicians to tell them that to make children of a tender age work so many hours was prejudicial to their health as well as to their happiness. To prove the injuriousness of such a system, it was in evidence, at the time night work existed, that the children employed on it were less unhealthy than those who worked in the day, because the former had a few hours of play, and from this circumstance their work, though at a time supposed to be so destructive to health, was found to be less injurious than such unremitting, unrelaxed exertion. He should certainly support the bill.

The bill was read a second time, and committed, the report received, and ordered to be taken into consideration on the 6th of April.

PETITION FROM GEORGE BRADBURY COMPLAINING OF THE OPERATION OF THE HABEAS CORPUS SUSPENSION ACT.] Mr. Bennet presented a Petition from George Bradbury; setting forth,

"That the Petitioner was always a distinguished loyal man, and he never learnt that petitioning the House was contrary to strict loyalty; the petitioner begs of the House to remark, that, for the exercising this lawful privilege, a warrant was granted against him by lord Sidmouth, and he was persecuted from his home and business for six weeks, and then arrested, heavily ironed, and conveyed to London like a murderer; the petitioner knew it could be proved that the character of reform had attempted to be changed into rebellion by police plots; on the petitioner's first examination before lord Sidmouth, he desired his lordship to send his warrants for two men of the names of Lomax and Waddington from Lancashire, and he pointed out fifteen evidences in the country who could prove their wicked attempts, and desired his lordship to send for these to prove Lomax and Waddington's guilt, that they might be constrained to inform who employed them; his lordship excused himself by saying he knew the characters of Lomax and Waddington, these men had been employed to plot the burning of Manchester, and had got a number of men arrested on that charge to hang them: the petitioner begs to assure the House, that after his discharge in May he was applied to by Oliver and his agents to assist in leading three thousand men armed from Manchester to Chatsworth, in Derbyshire, the seat of the duke of Devonshire, to assist in a rebellion of the counties of Derby, Nottingham, and York; the petitioner rejected these attempts with disdain, and he warned the reformers to have nothing to do with these wicked men, and he desired the magistrates to stop them; the petitioner begs of the House to remark, that he afterwards offered himself as witness for the men who were hanged at Derby, to prove that Oliver had attempted to get Manchester to join them; but the petitioner could not be admitted; and he begs to assure the House, that he has suffered loss of character, ruin of business, and much personal injury; and he begs the House to show reform unnecessary, by loading with reprobation, rather than indemnifying those who have created so much misery, which will prove the House to study the interests of the people, its constituents."

Ordered to lie on the table, and to be printed.

PETITION OF RICHARD LEE COMPLAINING OF THE OPERATION OF THE HABEAS CORPUS SUSPENSION ACT.] Mr. Bennet also presented a Petition from Richard Lee, of Holmeforth; setting forth,

"That the petitioner is by trade a clothier, and hath never committed any crimes against the laws of his country, being in every case a true subject of his majesty king George; that, on the 13th of June 1817, a number of men entered the petitioner's house, with one Matthew Bradley at their head, while the petitioner was at his work; and the said M. Bradley said, in a very insulting manner, to the petitioner, "You must go along with us;" the petitioner replied, "Very well, but you will let me wash and clean myself first;" when the petitioner had so done, the said Matthew Bradley drew a pistol out of his pocket, and said he would blow the petitioner's brains out; they then took the petitioner to an inn near his own house, where he begged to speak to his wife respecting his affairs; but, when she came for that purpose the said Bradley said, the petitioner must go immediately to Huddersfield, as they were ready and would not wait, and that she, meaning the petitioner's wife, might follow the petitioner to Huddersfield if they had any thing to say together; to which town they dragged the petitioner, guarded by a number of horse soldiers, and lodged him in a stinking dungeon without a bed or fire, although the petitioner was wet through; that when the petitioner's wife came afterwards to see the petitioner next day to Huddersfield, at great charge and hazard, in her situation, being then unwell with a complaint in her breast, which was afterwards cut for a cancer, she was not allowed to see the petitioner at all; that on the next morning, in this uncomfortable state of mind and body, ill at ease on account of his family, he was brought some refreshment, but he could not eat; and about noon he was taken before a magistrate, Mr. B. H. Allen, who said that the petitioner was charged with high treason, and must be hanged; whereupon the petitioner said, "You make my case very black, it's time to get prepared, I think;" he replied, "Yes, it is;" about the hour of seven o'clock in the evening, the petitioner said, "Is it not dinner time?" to this Mr. Thomas Atkinson, who was present, said, "You shall have your dinner in my room, and sleep in it also;" the petitioner replied, that would be very acceptable, as he had no sleep the last night, but the said Atkinson then said, "You must make a man of yourself, and tell me all you know;" to which the petitioner replied, as the truth was, "I know nothing;" that the said B. H. Allen then called the said Atkinson aside, and said, as the petitioner could hear, "We must towser Lee again;" so, about eight o'clock, the petitioner was remanded to the dungeon again, and about ten o'clock they came and began searching him, while he was fast asleep, owing to his fatigue and want of rest; but being awoke by the search, the petitioner asked, "What are you about?" but no answer was given to him, and they returned to him a three-shilling piece they had taken from his pocket just as he awoke, and kept him in this offensive dungeon five successive nights, and would not permit his wife to speak to him during that time, nor was he allowed to see her for three weeks afterwards; that the petitioner was afterwards put into an empty room, where he remained six days without any bed or bedding, save only a handful of straw to lie upon, but no covering of any sort whatsoever but his own clothes that he had on; that on the 16th of July he was removed to Yorke Castle like a felon, and ironed, in which state he was kept during the whole of his confinement, being twenty weeks and two days, five days of which time he was obliged to live in the same place, and sleep in the same room and bed with a man charged and afterwards executed for murder, with no other allowance than that of the prison, namely, bread, and sixpence per week for nine weeks; that one Thomas Riley, confined in the same gaol with the petitioner, on a similar charge of a suspicion of high treason, no doubt in a fit of derangement of mind, brought on by his confinement, cut his thaoat in the said prison, and, on the day following, the petitioner and another prisoner whom the petitioner understood to be a convicted felon, were removed into the very same cell in which the said Riley cut his throat, while the blood of the said Riley was still lying all over the floor in a hard and congealed state, and the petitioner and the said other prisoner were compelled to clean the same out with only a mop and broom, which, not being sufficient to remove the said blood, the petitioner was obliged to scrape and take it up with his hands; that by this treatment the petitioner's affairs and health are very much injured, and to remedy things as far as he was able, he signed on the 5th of December a paper called a recognizance, although unconscious of any offence; wherefore, the petitioner's circumstances being in a ruined state, and his health declining, he is led to pray for such relief as to the wisdom of the House shall seem meet; and that the House will cause inquiry to be made into the conduct of those by whom the petitioner has been so cruelly treated, and will not pass any bill of indemnity to screen them from answering at law for such unjust treatment of the petitioner."

Ordered to lie on the table, and to be printed.

HOUSE OF COMMONS.

Tuesday, February 24.

PETITION OF BENJAMIN WHITELEY COMPLAINING OF THE OPERATION OF THE HABEAS CORPUS SUSPENSION ACT.] Mr. *Bennet* presented a Petition from Benjamin Whiteley, of Holmfirth, in the parish of Burton, and county of York, setting forth,

"That the Petitioner is by trade a drawer of cloth in Holmfirth, was going to Horbury on Friday the 6th of June last, and was surrounded by armed men on the road near Thornhill Lees, and taken to the house of correction at Wakefield, where he remained three weeks in a damp cell, and had liked to have died of hunger, not being able to eat the food they presented him, and from the damps of the cell, no person being allowed to come to or see him; in the mean time his friends attended from time to time with bail for his appearance, if any thing could be laid to his charge, but they were put off from time to time, until on the 27th of June he was liberated on his paying five shillings; on the 4th of July Thomas Blythe and another person entered the House of the petitioner, and searched every drawer, closet, and cranney, and then told him he must go to London on a charge of high treason; expostulation was vain, he was hurried to Cold-bath-fields prison, where he remained four days, and was then carried before lord Sidmouth, who told him he must go to prison, and be close confined; he requested to know his crime, and accuser, for he was not conscious of having done a wrong thing; he answered, he might say what he pleased, but he must go to prison, and be close confined; he was then taken like a felon to Salisbury, where, for nine days, he suffered under every circumstance of distress from situation and ill-usage, his health declined very fast, and he did not expect to live from night to morning; he was on the tenth day removed to Worcester, where he remained twenty weeks without being allowed to see a single friend, his wife, having travelled all that way, was denied, and obliged to return without even that gratification; at last, on the 5th of December, he signed a recognizance, that although he knew himself not guilty of any crime he might not perish in a loathsome prison; the loss he has sustained in his business, health, and circumstances, cannot be repaired, nevertheless, any relief which may be granted will be seasonable, and received with thankfulness."

Ordered to lie on the table, and to be printed.

MOTION RESPECTING THE REVENUES OF THE CITY OF LONDON.] Mr. *Holme Sumner* rose to submit a motion to the House, for the purpose of obtaining from the city of London an Account of their Revenue for the five years ending the 31st December last. The application which the city had lately made to be allowed to raise money on the credit of the orphan fund, or in other words to be allowed to tax the neighbouring counties, to defray the additional sum of 34,000*l.* required to complete their new prison,—an object of the city of London alone—certainly justified him in calling on the corporation of that city to lay an account of their affairs before the House. The measure for which the city members now came forward, was one of a very extraordinary nature indeed. By the 52d of the king, the city of London was authorized to borrow 95,000*l.* on the credit of the orphan fund, for the erection of a new prison. No one doubted, at the time this sum was granted, that it was not perfectly adequate to its purpose; but the city, either from having made choice of a situation for building too limited in space, or from the prodigality with which they had gone to work, had spent this money without accomplishing their object, and they now came forward with a fresh demand of 34,000*l.* in addition to the former grant of 95,000*l.* The House ought not to give their consent to this additional grant, till the city showed the manner in which the former sum had been expended. The corporation of the city had been charged in their own court, by one of their most intelligent members (Mr. Waithman), with wasteful and improvident expenditure. The expense of an entertainment given by them to the liberators of Europe was stated at 24,000*l.* On examination, he believed it would be found nearer to 40,000*l.* than 24,000*l.* He understood that during the last thirty-seven years the corporation had expended in improvement of the public streets, &c. 45,000*l.*, in gold boxes and swords to our naval and military officers, 7,899*l.*—[Hear! from sir William Curtis]. If the hon. baronet could show that they possessed any superfluity, then he was ready to allow that these were proper objects of their munificence. But if they expended their money on these objects, and then came forward to ask for public aid for objects which they were bound to provide for out of their own funds, then such an expenditure was most blameable. They had expended for the statues of the king, lord Chatham, and Mr. Pitt, in gold boxes to the dukes of Kent and Sussex, to colonel Wardle, and other public men, upwards of 18,000*l.*—for colours to volunteer regiments 1,600*l.*—in donations to public charities 23,000*l.*—in donations to public objects connected with politics 25,068*l.* The whole of the sums expended on these different objects, amounted to no less than 126,840*l.* Now the sum required for this gaol was 130,000*l.*; and thus, if the corporation of the city had been just before they were generous, the sums which they had so misapplied might have been sufficient to complete their prison. Every particle of this 126,000*l.* so spent, was a misapplication. Unfortunately, however, this was not the first misapplication.—The hon. gentleman then went into an account of the transactions which led to the grant of the duty, commonly called the Orphans' fund. He held in his hand a brief statement of the accounts of the city, annually distributed among the members of the corporation. In that statement, he observed, that the lord mayor and aldermen of the city of London, were debtors to the amount of 53,000*l.* to a fund of which they were the trustees, and which was granted to them for a certain specific object. The Bridgehouse estate was vested in them for the building and repairing London bridge when necessary. Of the funds of this estate 33,000*l.* and 25,000*l.* 3 per cent stock, now worth 20,000*l.* in all 53,000*l.* had been appropriated by the lord mayor and aldermen to other objects. So that if one or two arches of London bridge should happen to be swept away, a thing very far from improbable, they must again come to the Orphans' Fund. It was too lenient a term to call this a misapplication—it was a downright embezzlement of that fund. But this was not the only misapplication of the funds of this estate. By an ancient charter, the city of London had a jurisdiction in part of the county of Surrey, the borough of Southwark—a jurisdiction which had long been dormant. It had lately, however, been revived, for the creation of a place for decayed aldermen. This was a gross and nefarious job. Would the members for the city say, that when this jurisdiction was revived, there was any want of a fair and impartial administration of justice? The consequence was, that there were two quarter sessions and two grand juries in the county at the same time, and no person knew where his suit was going on. They had taken from the Bridgehouse estate 1,400*l.* a year to defray that expense.—With respect to the new prison, it was impossible that any thing could be more inadequate to its purpose, or worse planned; indeed it could not be condemned in stronger terms than were made use of by members of the court of the city of London. Because they had already fooled away the 95,000*l.* already granted them, were they farther to be trusted with 34,000*l.* to be taken out of the pockets of those who were already chargeable with heavy county rates for their own objects? One of the pleas of the city was, that they were bound to maintain gaols for the county of Middlesex as well as for the city of London. But they generally told only so much of the case as suited themselves. They did not tell the House, that with this liability, various privileges and immunities were attached, to which the city adhered with great jealousy. They elected their own sheriffs, and they would not allow any of the magistrates of Middlesex to examine their prisons. By nominating to the office of sheriff persons, who they knew would not serve, they contrived to raise from the fines a considerable revenue. In one year lately they had raised in this way 9,200*l.* For the last four years they had raised 20,000*l.*, on an average 5,000*l.* a-year. With regard to the principle, that parliament had a right to demand the production of their accounts, he did not think any objection could be raised against it; but it was the duty of the House to see that the funds had been properly applied, before they listened to an application for a new grant. He had now very briefly called their attention to the facts of this case; and should conclude with moving, " That there be laid before this House a Statement or Account of the Revenues of the city of London, as the same have been received into the chamber of the said city, for five years ending the 31st December 1817; distinguishing them under the several heads, viz. rents and quit rents, market tolls, offices, and bequests, rents received of brokers, freedoms sold, freedoms enrolments, &c. casual receipts, sheriffs fines, sales and alienation of offices, fines for leases, insurance of officers lives, interest on government securities, and sale of securities."

Sir *William Curtis* said:—Sir; I have listened with great attention, and I must add with considerable pain, to the speech of the hon. member who has just sat down. The hon. member, in the course of that speech, has thought proper to charge the city of London with having been guilty of gross embezzlement; but he must excuse me, if I say that this is a gross and unwarrantable expression. The city of London has done no such thing, as I am fully prepared to prove. The hon. member insists on the right of inspecting their accounts; and they are willing to give an account — that is, whenever it shall be right, in their opinion. Sir, we have maintained the gaols of London, not for ourselves alone, but for the country at large, and for the county of Middlesex in an immense degree. If, then, we are supporting prisons for other people—if we are providing for prisoners after they have been convicted—if felons and criminals are sent to us from all parts—and if, under such circumstances, our funds are found inadequate, are we not entitled to call upon this House to send us some assistance? With respect to the bill which has been lately introduced, we call on you now to fulfil and complete what you have sanctioned before. The hon. member, however, desires you not to attend to our reasonable request; and no sooner does he enter into the history of our case, than his blood begins to boil. Sir, that hon. member has certainly a most dreadful antipathy to the city of London; but before I sit down, I hope to convince you that no blame can attach to the corporate body. We will furnish the House with an account of the 95,000*l.* which was formerly granted; and when I say this, permit me to add, that the city have never been backward in showing their accounts. The expense of erecting the new prison for debtors has been greater than was foreseen; but gentlemen do not seem to know the value of ground in the city of London. Why, Sir, you cannot get an inch of ground without putting three or four guineas over it. We have chosen the best situation which we could find; for, let me tell you, people do not like to see gaols near them: "for God's sake," they cry, "do not build the gaol near us." Well, then, at last we found a spot of ground, and began our building. As to prodigal expenditure, there is no prodigality about it. This, Sir, is the poor man's prison. Rich men can go to the King's-bench prison, and drink their burgundy: they first rob their neighbours, and then get white-washed. I think this system is carried to too great an extent. But the hon. gentleman has been telling a long story of the lord mayor and aldermen, and he says, that they have embezzled some of the city funds. Now, I will tell him, that I have been three and thirty years in the corporation, and I never had one shilling in my life from them; and, therefore, I do not know what he means by embezzlement. The bridge-house estate have lent us money, but they have got our bonds and securities. Is there any embezzlement in this? If the House thinks there is any thing improper in this transaction, we will bring the accounts before them. Well, Sir, then the hon. gentleman says, that we have given away large sums in swords and snuff-boxes. Suppose it to be so; is it not a happy and glorious thing, to see those heroes who have fought and bled for their country rewarded? Are the city of London to be blamed and taunted, because they have made presents to those gallant fellows? Sir, I am astonished at the hon. gentleman. It is worthy of the city that they have acted in this manner. The corporation have done their duty, and they do not come here to beg; they call on the House to complete what they have already sanctioned. If it were necessary for me to enter into detail on this subject, I must go back to what happened in the reign of king Charles: I do not mean to go so far back; but if I live another year, I will endeavour to have the name of the Orphans' Fund changed; for at present, whenever this name is used, it is thought that we are running away with all the orphans money. We request you to make us this grant, and we will never come to you any more. As to the city prisons, the House has lately appointed a committee to inspect them. But it seems that we must have no gaols now for punishment—we must have something in them to cheer up the heart of man. I do not know what the hon. gentleman (Mr. Bennet) wants. Does he mean that men who have forfeited their liberty should have coffee and chocolate of a morning, and luxuries of that sort? Does he wish to have the floors covered with Turkey carpets? It has been said, that these men are fed with sour bread. It is no such thing. There is no bad bread in the prisons; it is as good as any family in the kingdom can wish to eat. I only ask that hon. gentleman, whether he has tasted the bread? Let the committee ask that good woman, Mrs. Fry, whom they all love so much. I say, let them ask her: she is a good woman, and she deserves to be loved. The prisoners have one pound of bread per day, and four half pounds of meat per week. The other day I stated that they had four pounds, but I was mistaken. Well, then, are not four half pounds a good allowance for them? It was quite enough for men of that description: it is as much as his majesty's troops have, when they are not at work: and if they had more, it would make them bloated, and fill them full of bad humours, and all that. Sir, I say, let the corporation have what they are asking for, and they will produce an account of the monies received.—The hon. baronet concluded with moving, by way of amendment, to leave out from the word "House" to the end of the question, in order to add the words, "an Account of the produce of the several Duties and Payments composing the Orphans' Fund, for the last six years, and the annual Charges on the same, together with the Debts which remain outstanding and chargeable on the said fund; and also, an Account of the application of 95,000*l.* authorized to be raised and charged on the said fund for the erection of a new Prison for Debtors in London."

Mr. Serjeant *Onslow* observed, that the hon. baronet had endeavoured, by a facetious speech, to divert the attention of the House from the subject before it. The hon. baronet, however, in all that speech, had not urged one argument in answer to the reasoning of the hon. gentleman who brought forward the motion. The duty on coals in particular was a heavy tax on the very poorest of the people; and before the city of London could claim such a tax for such objects as the building of prisons, they ought to show how they had expended their former revenue. It was an abuse of terms to call the squandering their money on dinners, drinking, and presents, generosity, while for useful objects they were obliged to demand the imposition of heavy taxes on others. The treatment of the prisoners in the new prison, respecting which so much had been said by the hon. baronet, was altogether irrelevant to the question. Not one word had been said on that subject by the hon. gentleman who brought forward the motion. As the hon. baronet had completely failed in his attempt to answer the hon. mover, he had a right to infer that his statement was unanswerable. He thought the honour of the city was implicated in this affair. He really did not see on what ground they could refuse affording every information to the House, and he should therefore vote for the motion.

Mr. Alderman *Wood* contended, that the city of London had not embezzled any part of the Bridge-house estate: in no one instance had they made gifts of any part of that property. With respect to the 24,000*l.* said to be expended on an entertainment to the liberators of Europe, this was for two dinners, one of them to the duke of Wellington, cost 5,000*l.*; and though he had opposed the war, he had moved for that very dinner. The hon. gentleman who brought forward the motion, and the hon. and learned gentleman, did not seem to be aware, when they spoke of misapplication of the proceeds of the Bridge-house estate, that the county to which they belonged had borrowed money from that estate for the purpose of making a sewer in St. George's Fields—an object of the greatest utility, for which, however, they could not otherwise obtain funds. Another item of expense on that estate was for the erection of a Justice-hall in Southwark, which was built at the earnest request of the people of the borough, who complained that small offences were not prosecuted on account of the distance of the sessions at Guildford. The expense of this was not 1,200*l.* It was to be recollected, that the bridge at Blackfriars, had been built out of the fund which had been said to have been applied solely to the benefit of the city of London. The building of that bridge, and the other communications, had increased the rental of Surrey 500,000*l.* The city of London, too, it should be recollected, paid 11,500*l.* yearly towards the Orphans' Fund. The city now only asked for 17,000*l.* from this fund; and, though they were not alarmed at a scrutiny, he did not think such a request as this warranted the House in calling for their accounts. The prison to which this was to be applied was principally for Middlesex debtors. There were now 400 prisoners in it who did not belong to the city of London; and 3,000*l.* a year additional expence was incurred by removing them from Newgate. It had been said, that in return for their supporting the gaols of the county of Middlesex, the city had the fines paid by those who declined the office of sheriff; but it was to be remembered, that these fines were only paid by citizens—no other persons in the county of Middlesex were liable to serve that office, which was an expense of 2,500*l.* to any one who undertook it.

Mr. *Barclay* contended, that Southwark received no benefit from the monies paid out of the city funds. Blackfriars-bridge, if it was a benefit to Surrey, had also been a benefit to London. As to the money which had been borrowed for the sewers in St. George's-fields, it was on good security, and would be repaid. Many other sums, issued from the same fund, would, he feared, never be returned. If the city was to apply *in forma pauperis* for money to maintain its own prisons, when London-bridge was to be rebuilt they might expect a similar application. The city now said, they had received money already from the Orphans' Fund for the same purpose. It was the duty of the House to see that this was not unnecessarily increased. If, when they called for the accounts, it appeared that the city had fairly expended its money—that it had been just to its creditors as well as generous—it would be proper to relieve them; but if the money had been squandered, he did not think he should do his duty if he supported them in such a course. He should vote for the present motion.

Sir *James Shaw* observed, that the city gaols were liable not only to the expense of maintaining prisoners from the city, and the county of Middlesex, but likewise from the Crown, and from every county in England. In other counties, the Crown had the nomination of the sheriffs, but this did not subject the Crown to maintain the gaols in these counties: he could not therefore see why the corporation should be liable to the expense of maintaining the gaols of the county of Middlesex, because they had the right of appointing the sheriffs for that county. He hoped, therefore, that, from every consideration of generosity and justice, they would suffer the bill to pass without calling for the accounts.

Mr. *B. Shaw* conceived that the question before them was not whether it was correct that the city of London should maintain the gaols for the county of Middlesex. They were sufficiently well acquainted with that corporation to know that they would not take trouble without some adequate remuneration. The county of Surrey supported its own gaols without calling on the city of London for support, and therefore the city of London ought to support its gaols without assistance from Surrey.

Mr. Alderman *Atkins* entered into an explanation of the Orphans' fund. It was originally, he said, 750,000*l.* Blackfriars-bridge was built out of this fund. But the city had contributed ten times 750,000*l.* to the objects of the fund since it was instituted. The money required at present by the city was for the purpose of giving effect to the recommendation of the House for the improvement of gaols. If the city met their wishes, it had a right to look for assistance from them. He appealed to the hon. gentleman whose humanity had been so active on this subject, whether it had not been indispensably necessary to enlarge and improve the gaol in question.

Mr. *N. Calvert* did not see any reason why the county of Middlesex should not be rated to the support of the prisoners in London, to which their criminals were committed, but there was no reason for the tax on the adjacent counties, known by the name of the Orphans' fund, being applied to that purpose.

Mr. *Bennet* said, that since allusion had been made to him, he must say that the New Prison stood most obviously in need of improvement. The state of the walls was such as prevented the free circulation of air. Men and women were mixed together in one place. Many other obvious evils called for immediate attention. When the committee saw the accounts of the expenditure, and were asked their opinion, they stated at once that they were such as ought to have been incurred. But this had nothing to do with the question whether the city had managed their funds with due economy and discretion. His hon. friend near him had stated that he had spent 2,400*l.* while sheriff. That did not seem to prove any thing as to the question before the House: neither was it material to the question whether more bread or less was now given to prisoners. But when he recollected that the hon. baronet had now confessed that he had been in a mistake on this subject, to the extent of the whole point at issue, he felt a hope that on a future discussion of the present question, he would make a similar confession. The great evils complained of respecting the gaols were still unremoved. The men and women were indeed separated; but persons of every variety of character and misconduct were still crowded together, and thus the comparatively virtuous and innocent were gradually hardened and prepared for every crime. Gaols ought to be not institutions for promoting and confirming vice, but schools for reform; not the nurseries of disease, depravity, and every species of misery, but habitations of health and improvement. He trusted in God the day would soon come when those dreadful evils would be remedied.

Mr. *Grenfell* professed himself in no way acquainted with the financial system of the city, but he wished to be informed whether the effect of the loan required by the city would be to prolong the present duty on coals?

Sir *W. Curtis* replied, that the duty stood at present till 1837, and that he believed the demand of the city would not prolong it for one half year.

Mr. *S. Thornton* understood the question to be, whether the city had funds of their own to effect the purposes in question? He saw no means of answering this question but by inquiring into the income and expenditure of the city. He should therefore certainly support the present motion.

Mr. *H. Sumner* in reply, said, that this tax was limited to 1837, but was to expire so much sooner, as the sums charged on it should be discharged. The grant now demanded would, therefore, prolong the duration of the tax. He allowed that a rate on Middlesex, for the maintenance of the city prisons, might be justifiable; but he saw no reason for charging the other neighbouring counties who supported gaols of their own. The manner in which the city had first acquired the control of the Orphans' fund was very suspicious, as they gave a bribe of 1,000*l.* to Mr. Speaker Trevor, who had, in consequence, been obliged to put the question on his own expulsion.

The question being put, That the words proposed to be left out stand part of the question, the House divided: Ayes, 24; Noes, 11. The main question was then put, and agreed to.

PROSECUTIONS FOR FORGERY.] Sir *James Mackintosh* rose to make a motion of which he had given notice, which was framed with a view to show the effect which the bank restriction had upon the increase of crimes connected with forgery. The accounts he should move for were, for the prosecutions for forgery for 14 years before, and 14 years after the restriction of cash payments at the Bank in 1797; and the number of convictions and executions at each period. Of the prosecutions, they had returns which had been formerly moved for, and of the convictions in the late years, they had accounts in the general returns of criminal judicature since 1812. That the Restriction bill should have tended to increase the prosecutions for forgery, was not to be wondered at; but if any one had stated, that they had since that event been multiplied a hundred fold, he would not have been believed; and yet such was the fact. By the accounts which had been produced, it was proved, that the prosecutions at the instance of the Bank for forgery, previously to 1797, were four. The prosecutions for the fourteen years after were 438—so that they were more then centupled. It was necessary, he observed, to ascertain the consequences of this system, the diffusion of depravity, the multiplication of crimes, and the effusion of human blood which had resulted from its existence. When these facts were before the House, it would be felt that something should be done to put an end to such an enormous evil. The House had, no doubt, done much towards the prevention of crime, the promotion of morality, and the encouragement of benevolence; but while lotteries were tolerated, and the system to which he alluded was allowed to go on in tempting men to the commission of crime, no exertions of benevolence could balance the account in their favour. The hon. and learned gentleman here read the terms of his first motion, adding, that in order to put the House in possession of all the materials necessary to the formation of a correct judgment upon the whole of the case, he should also move for an account of the number of persons prosecuted and convicted for coining gold and silver for fourteen years previous to the enactment of the restriction upon the issue of cash payments by the Bank. This he thought a proper motion, with a view to a fair comparison between the advantages or disadvantages of the metallic currency, and those belonging to the present system of paper currency.

Mr. Bennet suggested the propriety of inserting the number committed, as well as prosecuted, for the forgery of passing of bank notes. Sir J. Mackintosh acceded to the suggestion, and moved, "That there be laid before the House, an account of the number of persons committed or prosecuted for forging notes of the Bank of England, and for uttering or possessing such notes knowing them to be forged, from the 1st January 1816 to the 25th of February 1818; distinguishing the years, the number of such offences respectively, and the number who have suffered death or other punishment."

Mr. *Grenfell* did not intend to enter into the merits of the motion, but should content himself with expressing his thanks to his hon. and learned friend for his very humane and well-timed exertions. He would only suggest to his hon. and learned friend the propriety of combining with the motion of which he had given notice for Tuesday next, a proposition for laying before the House a distinct account of the persons prosecuted for the forgery of notes of 1*l.* 2*l.* and 5*l.* For it was known that those were the notes usually circuculated by the low people who were prosecuted, while very few were prosecuted for notes of a higher amount; and upon this fact being established to the satisfaction of the House, it must be evident that the number of prosecutions, convictions, and executions for forgery, was owing to the restriction upon cash payments by the Bank, and the consequent issue of a vast number of small notes.

Mr *Lockhart* deprecated any attempt to excite an improper commiseration for crime, observing, that it was the duty of the Bank to hold out encouragement to artists and chemists with a view to the invention of some paper and colour which could not possibly be imitated, and thus the forgery of bank notes might be guarded against.

Sir *J. Mackintosh* declared that he had no wish to excite improper commiseration for crime, or to take any proceeding likely to weaken the authority of the laws. But while he admitted the hon. gentleman's position, which, however, conveyed no information, namely, that no temptation was an adequate excuse for crime, he would maintain, that any legislature which held out a temptation to crime was a participator in the guilt of its commission. This, indeed, was a proposition which he would never abandon; and it was by the force of this proposition that he was impelled to take measures, with a view to rescue the British legislature from the disgrace of tolerating a system which was peculiarly calculated to tempt men to the commission of crimes.

General *Thornton* rejoiced that a subject which he had brought forward unsuccessfully, was now likely to be attended with success. He had understood that not less than 30,000 forged bank notes were annually returned. This was a very serious evil.

The motion was agreed to; as were also motions for, 1. "An Account of the number of persons convicted of forging Notes of the Bank of England, and for knowingly uttering or possessing such forged notes, who suffered death, for the 14 years which preceded the suspension of cash payments by the Bank in February 1797, distinguishing the years; together with the like Account, from the said suspension to the 25th day of February 1818;" 2. An Account of the number of persons prosecuted by the officers of his majesty's Mint for counterfeiting the current Gold or Silver Coin of the realm, or for uttering the same, for 14 years preceding the suspension of cash payments by the Bank of England, distinguishing the years, the numbers convicted, and those who have suffered death or other punishment; together with the like account from February 1797 to 25th February 1818."

HOUSE OF LORDS.

Wednesday, February 25.

INDEMNITY BILL.] The Duke of *Montrose* said, it was his duty to present to their lordships a bill, commonly called a Bill of Indemnity. It was founded upon the Report of the Secret Committee, and was intituled a Bill "for indemnifying persons who, since the 26th of January 1817, have acted in apprehending imprisoning, or detaining in custody, persons suspected of high treason, or treasonable practices, and in the suppression of tumultuous and unlawful assemblies." It was not necessary for him to say any thing in its support in this stage. He should merely propose, that the bill be now read a first time. On Friday, when he intended to move the second reading, he should submit to their lordships consideration some observations on the nature and object of the measure.

The Earl of *Lauderdale* said, he would not have troubled their lordships with any observations on the noble duke's proposition at the present moment, if he did not conceive that it involved a question of considerable constitutional difficulty and importance. This consideration induced him to oppose the measure even on the first reading. From the title of the bill, as he had heard it stated by the noble duke, it appeared to be a bill for indemnifying his majesty's ministers for every act they had done under the suspension of the Habeas Corpus. The bill, however, for aught their lordships knew, might extend still farther. Now, what was the situation in which their lordships were placed? They knew by the Journals of the other House of parliament, that papers had been also sent to that House, and referred to a committee. That committee had not yet reported, and their report might be such as to render any proceeding of the kind now proposed very improper to be adopted by their lordships. It surely was not known to their lordships, that the report of the Commons would acquit ministers. It might prove of a very different nature. Suppose it afforded matter on which that House should think fit to impeach ministers, their lordships would then have to sit as judges on a question which they had previously determined. He reminded the House, that on a former

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occasion they had decided, in accordance with the opinion of a noble and learned lord, that they would not entertain a certain measure, because it might come before them in their judicial capacity. On the same ground this bill was not fit to be entertained; for if any regulating principle of their proceedings were more to be regarded than another, it was this—that the House ought never to give an extrajudicial opinion. This, then, was a question of great importance to the constitution, and on that ground he trusted their lordships would be induced to delay all farther proceedings until they learned what measures might be adopted by the House of Commons. If they approved the principle of the bill proposed by the noble duke, and read it a second time on Friday next, they might be placed in the situation of assembling as judges after they had prejudged the question on which they would be called to decide.

The Earl of *Liverpool* saw no possible ground for delay in the objection stated by the noble lord. If it were good for any thing, it would be equally good against a measure which their lordships had already sanctioned, namely, the appointment of a committee to inquire into the conduct of ministers on the papers which had been submitted to their consideration. This, it was true, was done without any knowledge on the part of their lordships as to what that committee would decide; but the objection that the House ought not to proceed to a legislative measure on the opinion of the committee, was equally strong against referring the papers to that committee in order that they might give an opinion to the House. The committee had, by the order of the House, examined these papers inquisitorially, and had come to an opinion, which was now on their lordships table. In pursuance of that opinion, his noble friend considered himself bound to introduce the bill he had presented. Whether that bill was warranted by the report was the question to be argued on the second reading. The noble lord had made the supposition of the committee of the House of Commons coming to a different conclusion from their lordships committee; that was doubtless possible, but the supposition afforded no reason for delaying the progress of the present measure; since, if what the noble earl supposed did take place, the consequence would be, that the Commons would throw out the Indemnity bill when it came before them. Besides, the case was by no means a new one. There was, in particular, on the Journals of that parliament, a recent precedent of Ireland for the course now taken. The bill of indemnity for the proceedings of his majesty's servants during the disturbances in Ireland originated in the House of Lords, and it never was suggested, that it ought to be delayed until it should be seen what decision the House of Commons came to. It was most unreasonable to argue that their lordships ought to delay a measure which appeared to be the necessary result of the report of their committee, until the other House of parliament came to a decision. Their lordships were not bound to regulate their proceedings by that decision; of which, indeed, they could regularly know nothing, except through the medium of the votes of the House of Commons. Upon the whole, then, the noble earl had stated nothing which was sufficient to induce the House to stay the legislative measure now proposed to them. Whatever objections that measure might be liable to, would come regularly under discussion on the second reading of the bill on Friday.

Lord *Holland* expected that the noble duke would have stated more at length what was the nature of the bill he had presented. He, however, did not mean to occupy their lordships time with any observations on that point, but rose merely to notice the answer which had been given to the objection of his noble friend who had been, it appeared, in some measure misunderstood. His noble friend had not argued that the House could not entertain this bill. His objection merely amounted to this; that, in a constitutional point of view, it was not proper nor prudent to proceed with such a measure when the other House of parliament had still to decide on the question of the conduct of ministers, and when there was before that House a considerable number of petitions, complaining of highly improper and unconstitutional acts. To the argument of the impropriety of proceeding with the measure under such circumstances, the noble secretary of state had given no satisfactory answer. He had referred to one precedent which appeared to be that which occurred in 1798, in the House of Lords of Ireland; but that was the precedent of a measure which had been condemned by the first lawyers in Ireland and this country, and which was the disgrace of the parliament that passed it. The reference to such a precedent as that, afforded farther reason for a vigilant observance of this bill, lest some of the enormous provisions of the Irish act should be included in it. Without even waiting for the report of the Commons committee, it was possible that a member of that House might become possessed of facts, which would enable him to lay on the table articles of impeachment against some of his majesty's ministers. If such a proceeding were to take place, their lordships would be reading a second time a bill for indemnifying those who were about to be accused at their bar. The noble secretary of state had reminded their lordships, that the Commons might reject the bill of indemnity. Certainly they might; but then it was to be recollected that, besides that rejection, they might also come to the bar with a solemn accusation against those whom their lordships had just declared innocent. If their lordships wished that their acquittal should be honourable to those in whose favour it might be pronounced, they would adopt the course recommended by his noble friend. Could the people of England think an acquittal honourable and impartial, when it would appear to them that the question had been already prejudged? To delay the progress of this bill was no denial of their lordships power to originate and pass it. All that was proposed by his noble friend was, that they should suspend farther proceedings on it until after the report of the committee of the House of Commons should be made, and there should be no reason to suppose, that any articles of impeachment would be brought up from that House.

The Duke of *Montrose* said, that the bill was of the same nature as the bills of indemnity proposed in similar cases, and he saw no reason for delaying its progress on the possibility of some other proceeding being instituted in the Commons. It was impossible to tell how long they might have to wait for the decision of the other House; and upon the same principle, the whole session might be allowed to pass away before the bill was read. He could not on such grounds consent to their lordships depriving themselves of the opportunity of proceeding with a measure which they had an unquestionable right to institute, and the propriety of which appeared undoubted.

Lord Holland moved, that instead of the word "now," for the first reading, the words, "this day se'nnight" be inserted.

The question, that the word "now" stand part of the question was put, and carried in the affirmative. The bill was then read a first time, and ordered to be printed.

HOUSE OF COMMONS.

Wednesday, February 25.

Privately Stealing in Shops Bill.] Sir *Samuel Romilly* having moved, that the act of the 10th and 11th of William 3rd should be entered as read, stated, that he rose for the purpose of moving for leave to bring in a bill to repeal so much of the said act as took away the benefit of clergy from persons convicted of privately stealing goods, wares, or merchandize, to the value of 5*s.* in any coach-house, shop, warehouse, or stable. It would not be necessary for him to trouble the House at any great length on the subject, because their opinion, both in this and in the preceding parliament, had already been strongly expressed. The identical bill for which he was about to move, had passed the House of Commons four times; twice in that parliament, and twice in its predecessor; and, on the last occasion, he might say unanimously; not a single word having been uttered in opposition to it. It had always, however, been stopped in the other House. Although it was not his intention to detain the House with many observations, he must be permitted to call their attention to the returns which for some days had been on the table, in order to show what the state of the law was on the subject. These returns proved, that the state of the law was such, that it was never carried into effect. From 1805 to 1817, a period of 12 years, 655 persons had been indicted for the offence under consideration. Of these, only 113 had been capitally convicted, and of those 113, not one had been executed; 365 of the 655 had been found guilty by the juries before whom they were tried, of simple larceny, by which the capital part of the charge was taken away. It was evident, therefore, either that these 365 persons had been improperly charged with a capital offence, or that the juries, influenced, no doubt, by feelings of humanity, had, in 365 cases, violated their oaths.

was true, that there were high authorities in justification of a jury thus acting. Mr. Justice Blackstone stated, that a jury who brought in a verdict of guilty to an amount less than the evidence established, with a view to avoid capitally convicting the accused person, might be justified, on the ground that they had a right to take into their consideration the difference in the value of money between the present period and that at which the statute was enacted. This, however, he should always contend, was a practice which had a most immoral tendency, and the temptations to it, he should always maintain, it was the duty of the legislature to remove. He would take the present opportunity of mentioning the state of the law, as derived from the returns on the table, with respect to the act making it capital to steal within a dwelling house to the amount of 40*s*. Within eight years down to 1816, no less than 1097 persons had been tried for this offence. Of these, 293 only had been capitally convicted, and not one had been executed. In 1816, 131 more persons had been tried, of whom 49 had been capitally convicted, and one (whose case was accompanied by circumstances of great aggravation) executed. So that, of 1228 individuals tried, 342 only had been capitally convicted (the juries either acquitting the 886, or finding them guilty of stealing to a less amount), and only one person executed! Was this a state of the law which it was desirable to continue? [Hear, hear!] It was important, also, that the House should direct their attention to the state of the law as it respected some other capital offences, besides those which he had already specified. The principle on which the law was administered, with respect to the offences he had already specified, was, that the law should generally not be enforced, but be enforced only in particular cases. In another part of the administration of the law this principle was reversed—the law was generally enforced, and was not enforced only in particular cases. He alluded to the offences of fraudulent bankruptcy and forgery. It had been thought wise, by those who were entrusted with the execution of the law, to extend mercy in cases of fraudulent bankruptcy in only one instance, and that was under circumstances so peculiar, that to have withheld pardon, would have been an act of the grossest injustice. He was sure, that every man, conversant with the bankrupt laws knew, that not a year passed without the occurrence of a great number of fraudulent bankruptcies. Nevertheless, during eighty-five years, there had been but four capital convictions for this offence; numerous frauds to a great amount having been suffered to escape with complete impunity, because the parties injured saw no alternative between that course and the shedding of blood [Hear, hear!]. The same system was pursued with respect to the crime of forgery. Formerly, pardons for this offence were very rare. Lately, however, the offence had so multiplied, in consequence of the great increase of paper currency (both that of the Bank of England and provincial), that it was impossible to adhere to the system of never pardoning the crime. Still, however, the principle existed, that, in most cases, the law should be enforced; and that in comparatively few (and those under peculiar circumstances of extenuation), it should not be so. A considerable discretion had been vested in the Bank of England on this subject, a discretion which, he believed, had been judiciously and humanely executed, and the consequence of which was, that prosecutions had only taken place in aggravated cases. But the consequence was, that the uncertainty of punishment which this occasioned, destroyed all the advantages that might be supposed to result from the severity with which the law was generally enforced. He was persuaded that the frequent punishment of forgery by death, excited a strong feeling of compassion on the part of the public towards the sufferers. Indeed, some examples of this punishment were extremely shocking. That day se'nnight two women had been executed for forgery, and that very morning two boys, one sixteen and the other seventeen years of age, would have been executed for the same crime, had it not been for the exertions of a worthy magistrate (Mr. Alderman Wood), and an hon. friend of his (Mr. Bennet), who had detected a conspiracy for the purpose of their seduction, and who had successfully pressed a recommendation for a suspension of their punishment. Was it possible that such spectacles as these could have any other effect than to produce—not obedience to the law—but compassion for the violators of it? The fact was, that forgeries had greatly increased. Nothing could be more certain than that if the sanction of the law was insufficient to prevent the crime, it was calculated to produce the worst effects. There was not only the loss of lives, but the deterioration of moral feeling, which such exhibitions were calculated to occasion. It was the duty of the legislature to inculcate respect, and not disregard for human life. This sentiment had been much better expressed by Mr. Burke, in speaking of the punishment of a great many persons for political crimes. "It is certain," says he, "that a great havock among criminals hardens, rather than subdues, the minds of people inclined to the same crimes; and therefore fails of answering its purpose as an example. Men who see their lives respected and thought of value by others, come to respect that gift of God themselves. To have compassion for one's-self, or to care, more or less, for one's own life, is a lesson to be learned just as every other; and I believe it will be found, that conspiracies have been most common and most desperate, where their punishment has been most extensive and most severe. Besides, the least excess in this way, excites a tenderness in the milder sort of people, which makes them consider government in a harsh and odious light. The sense of justice in men is overloaded and fatigued with a long series of expectations, or with such a carnage at once, as rather resembles a massacre, than a sober expectation of the laws. The laws thus lose their terror in the minds of the wicked, and their reverence in the minds of the virtuous.*—Before he sat down, he begged leave to say a few words on a public spectacle, which had been made at Newgate, of a wretched man, who, being accused of murder, had destroyed himself. It was stated in the newspapers of that day, that the mangled and bloody corpse had been exhibited in an elevated situation, with a small gallows erected over it, to which was appended the fatal instrument of destruction. Such a horrid exhibition, he was persuaded, was calculated to produce the most mischievous consequences on the men, women, and children by whom it was beheld. There was no authority for it. All that it was justifiable to do with the body of a man on whom a coroner's jury had pronounced a verdict of self-murder, was to bury it without the rites of the church. But it was a grave matter of complaint, that a sheriff or any other person should take upon himself to pronounce an individual under such circumstances guilty of another crime, for which he had not been tried (however evident his guilt might appear), and to cause his exhibition in so hideous a form, and in a way so disgraceful to the character of the country, and so injurious to the morals of the people.—He well remembered when, upon a former occasion, a gentleman, now no more, of the greatest talents, and in words much better than he could use, animadverted in that House on a similar proceeding at the interment of a wretched and criminal suicide. [The hon. and learned gentleman alluded here to the observations of the late Mr. Sheridan,* on the exposure of the body of Williams, with the fatal maul, &c. with which he murdered the Marrs and Williamsons, a few years back.] He should conclude with moving, "That leave be given to bring in a bill to repeal so much of the act of the 10th and 11th of William 3rd, as relates to stealing privately in any shop, warehouse, coach-house, or stable."

Mr. *J. Smith* confirmed all that the hon. and learned gentleman had so eloquently and so feelingly stated, with respect to the numerous instances of fraudulent bankruptcy that yearly occurred. The crime of forgery had also lamentably increased within the last five or six years. Numerous cases of forgery were hushed up from the indisposition of parties to prosecute. The bankers of London had formed a committee for the prosecution of forgeries, in order that no individual pity might interpose between the offence and its punishment, but even this expedient had been found unavailing.

Sir *J. Newport* strongly urged his hon. and learned friend to persevere in his efforts to remedy the defects of the law in this respect; and trusted that eventually he would be successful, and that from observing the good which had resulted from the legislative measures already adopted on the recommendation of his hon. and learned friend, the noble and learned individuals in another place would at least hesitate on the expediency of maintaining their principle of abstaining from any changes in the criminal law.

Leave was given to bring in the bill.

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* Thoughts on the approaching Executions. See Burke's Works, Vol. 9, p. 270, Edit. 1812.

* See Vol. 21, p. 218.

Blood Money—Pardon of Brock, Pelham, and Power.] Dr. *Phillimore* begged to inform the House, that he was a member of the committee which had been appointed to examine into the state of the prisons in the city of London; and that, in visiting the prison of Newgate on Monday last, he had received information that three men, of the names of Brock Pelham, and Power, who had been tried at the Old Bailey, and convicted of the crime of having seduced three unfortunate Irishmen into the commission of a capital offence, in counterfeiting the coin, in order to get the rewards for the discovery and conviction of such persons, had received free pardons and been dismissed from that prison. He now wished to know whether that statement was correct; and whether any objection would be made to the production of the judgment on which they were condemned, and the free pardon by which they recovered their liberty. He had heard that, on a previous trial for a similar offence, a doubt had arisen in the mind of the judge who presided, respecting the operation of the law in such cases, and a point was reserved for the decision of the twelve judges, who gave an opinion, that the person in question could not be executed; and, accordingly, he received a free pardon from the Crown. That opinion, it was stated, had influenced the officers of the Crown in the case of Brock, Pelham, and Power; and they had been discharged from custody. This was a matter which required explanation; for he could not conceive any thing more horrible in its consequences, than that such blood-hounds, who had been guilty of so enormous an offence, should be let loose upon society, and have the opportunity of seducing other persons into the commission of crimes.

Mr. *Bathurst* said, that the information which the hon. member had received as to the free pardon of these men was perfectly correct. The law officers of the Crown, how greatly soever they might wish such criminals to suffer the execution of the law, had found that they could not be brought to punishment. He was glad that this matter had now been agitated, as it was desirable that the public should know the ground on which these persons had been liberated. At the same time, he begged to state, that the law officers had been desired to take into consideration the necessity of introducing an act for amending the law in that respect. With respect to the opinion of the judges, on which these men had received their pardon, it did not exist in such a shape as to be laid before the House. This was all the explanation which he was enabled to give to the statement of the hon. member.

Sir *F. Burdett* could not refrain from expressing his surprise that these villains had been suffered to escape from the punishment due to their crimes. He thought it impossible that there should not be a law in our criminal jurisprudence to meet such cases of blood money. It was highly expedient that the opinion of the judges on this subject should be laid before the House: and he hoped that the hon. member would insist on its being produced.

The *Attorney General* said, that a police officer of the name of Vaughan, who had first been prosecuted for the crime of being accessory to coining before the fact was found guilty. The point whether, as the law stood, a person could be so convicted, having been reserved for the opinion of the twelve judges, certain other persons who stood in a similar situation were also prosecuted for the same crime and found guilty. The case of the first of these persons, and not that of Brock, Pelham, and Power, came to be argued before the twelve judges who thought the facts charged did not amount to the crime imputed to him. Though the case of Brock, Pelham, and Power had not been argued before the Judges, it was exactly of a similar nature with the other, and it was deemed advisable that a pardon should be extended also to them. The person whose case had been argued before the judges had also been convicted on a charge of a different nature, of a conspiracy to procure the commission of certain crimes, but Brock, Power, and Pelham had only been convicted of the crime which he had already mentioned. He could say this much, that a more serious desire could not be entertained of bringing criminals to justice than was entertained in all these prosecutions. As far as he himself had been concerned, he would say that he had never in his life laboured with a more sincere desire of success in any case than he had done. The offence was enormous and could not fail of being held in the greatest abhorrence. The persons deserved to suffer the most condign punishment; but the law was defective, and, under such circumstances, they were pardoned.

Mr. *Brougham* wished to know if these

men had got a free pardon, or if any steps were taken to prosecute them for a conspiracy to procure the conviction of persons of certain crimes?

Mr. *Bathurst* said, it was not in his power to give any farther explanation on the case of these persons.

Lord *Milton* said, the House had not been informed as to the manner in which this case came before the twelve judges. This was a most important point, and one on which the House ought to have information.

The *Attorney General* observed, that on the trial of Vaughan, an objection had been taken on a point of law, and this point, the learned judge who presided at the trial, reserved for the opinion of the twelve judges. The opinion of the twelve judges, after hearing counsel on this point, was what he had already stated.

Lord *Milton* asked if he was to understand, that the point had been reserved in the case of these three persons [No, from the ministerial bench]? Then he was to understand that the point had been reserved on the trial of another person, and that the case of these persons was so similar to that in which the twelve judges had given their opinion, that his majesty's ministers, without any point being reserved in their case, had advised a free pardon to be given to them. It struck his mind that they had acted rather precipitately in this case.

The *Attorney General* observed, that it was considered the first decision decided also the second case. Under these circumstances, those whose duty it was to advise the Crown, thought it their duty to take care that the sentence of the law, in the case of Brock, Pelham, and Power, should not be carried into execution; for, under circumstances, they were of opinion that these men could not be legally executed.

Sir *F. Burdett* observed, that if, as the law stood, these men could not be executed, still it did not appear that they could not be prosecuted for conspiring to take away men's lives for money.

HOUSE OF LORDS.

Friday, February 27.

INDEMNITY BILL.] The order of the day having been read for the second reading of the Indemnity bill,

The Duke of *Montrose* said, that in rising to move the second reading of this bill, it appeared to him necessary, as a justification of the measure, merely to refer to the circumstances which had caused it to be brought forward. In doing this, he should have to trouble their lordships by recalling to their recollection what had been the situation of the country during last session, and for some time preceding its commencement. He might perhaps, by some, be thought to deviate from the object under consideration, by the period to which he was disposed to trace back the circumstances which had rendered the measures adopted in the last session necessary; but he could not refrain from referring to the alarming symptoms of disorder which had prevailed in some parts of the country for several years past. Their lordships was well aware of the atrocious transactions which took place in the disturbed districts of Leceister and Nottingham, where the destruction of frames and houses, and the perpetration of murder, was carried on by regular combinations, of a character altogether unknown before in England, to the astonishment and terror of the country. And to such an extent were the machinations of these individuals carried, that it appeared from the confessions of persons who had been executed, that a premium was offered for murder, that a project was entertained for shooting the judge upon the bench, that a plan was actually in contemplation for assassinating him in his way from one place to another, and that money had actually been raised for carrying that plan into effect. The spirit which operated in these transactions, it was not difficult to see, would extend itself by degrees, and accordingly they found that it spread, in the course of no very long period, over a considerable district. Numerous individuals became contaminated, and projects were entertained of overthrowing, by force and violence, the laws and constitution of the country. Clubs of various names and descriptions, and union societies, had been formed in different parts of the country, under the pretence of seeking a reform in parliament. These clubs communicated with each other, and with associations of the same kind in London. They even appointed delegates to assemble in the metropolis. The institution of these clubs was followed by public meetings held in different quarters of the country, at which the most inflammatory and seditious language was used. And at what a period were these projects attempted to be ripened?—at a time when the commerce of the country was in a great degree suspended,—when there was no demand for our manufactures,—when a numerous and deserving class, the agricultural labourers, could not find employment,—when the farmers could find no market for their produce,—and when, as their lordships knew, they were no longer able to pay their rents. It was at such a period, when numerous classes of individuals were experiencing the greatest distress, that inflammatory agitators endeavoured by every perverted means in their power to render those who, under the pressure of distress, were peculiarly susceptible of discontent, parties to their insurrectionary and revolutionary projects. At that most extraordinary and distressing period, meetings of the nature of those to which he had already adverted took place in the metropolis and various parts of the country. Their lordships would recollect the two which had been held in Spa-fields. The second of these had led to robbery and assassination, if not to high treason. That alarming disturbance was soon followed by the atrocious insult and attack on the person of his Royal Highness the Prince Regent, which took place while he was in the act of proceeding to exercise his royal functions in that House. After that transnction, it became the duty of government to take measures to defeat the machinations of these individuals, and their lordships and the other House of parliament thought fit, in consequence of the general state of the country, to institute a Secret Committee to inquire into and report on the evidence laid before them. The opinion of those committees had been solemnly recorded and sanctioned, upon the report of their lordships committee being laid upon the table; and upon it a bill had been introduced and passed for suspending some part of the act of Habeas Corpus, namely, in its application to the apprehending of persons charged with designs against his majesty's person and government. That bill was opposed, and underwent much discussion. It was asserted, that the existing laws possessed sufficient strength and energy to protect the constitution; and it was asked, why resort should be had to the measure then proposed, when the disturbances complained of could be suppressed without it? His answer was that those who proposed the suspension of the Habeas Corpus were not afraid of the coptitution. They did not apprehend that the constitution would be overthrown. They had no fear that their lordships would be interrupted in the exercise of their functions, or that the succession of the throne in the house of Hanover would be altered. It was not from any apprehensions of such a nature, that the measure had been introduced. All the fear the supporters of the bill had, was for what might befal the unfortunate persons to guard against whose misconduct its provisions were framed. It was for the sake of these infatuated men, for the sake of humanity alone, that the suspension of the Habeas Corpus act had been proposed; and here he would ask their lordships, as a noble lord had emphatically done, when the bill was in progress in that House, whether they did not think it better to prevent crimes than to punish them? His noble friends were perfectly sensible that they could, in the ordinary state of the law, have put down every disturbance which had taken place. They could have easily employed force enough for that purpose; but then it must have been employed at the expense of thousands of lives. Their lordships therefore passed the act for suspending the Habeas Corpus on the ground of humanity, as well as for securing the peace and tranquillity of the country. With a view to these objects it had appeared to them indispensably necessary, and in passing it they must have looked forward to the introduction of the present bill, which was the natural consequence of their agreeing to suspend the Habeas Corpus act. The present bill was merely a corollary deduced from that which had preceded it. Their lordships had hoped, that the first act for suspending the Habeas Corpus, which had been passed during the last session of parliament, would have been sufficient to restore tranquillity to the country; but in this they were disappointed, and it had been found necessary to renew it. Public meetings, of a seditious and inflammatory tendency, continued to be held; and one in particular, of a very alarming description, took place at Manchester. At that meeting it was proposed to petition the Prince Regent; but the petitions were not to be conveyed to the foot of the throne in the usual manner: they were to be carried up to the metropolis by large bodies of persons, who evidently intended to seek their object, not by prayer, but by alarm or force. What would have been the consequence, had these men been permitted to proceed on their march from Manchester in such numbers? They would in all probability have committed numerous robberies and murders on their way; and it was impossible to forsee what mischief might have been the result of their project, had they been suffered to come near the metropolis. He did not wish to rest the introduction of the present bill on precedent; the ground on which he proposed it, was necessity. Their lordships could not avoid passing it; for, as the circumstances to which he had referred justified what had already been done, this measure must necessarily follow. Their lordships were called upon to pass the bill in justice to his majesty's ministers, and the magistrates who had acted upon the suspension of the Habeas Corpus in the disturbed districts, and to whom, in his opinion, the thanks of parliament and the country were due. If their lordships did not pass this bill, they would hereafter look in vain for the exercise of that vigilance and prudence, by which the magistrates had prevented the greatest of evils from befalling the country. Were they to reject this measure, which was necessary to protect those to whom the country was indebted for its present tranquillity, they would never again have the opportunity of preventing insurrection. They might, indeed, put it down when it did take place; but then that suppression could only be accomplished by force, and with much bloodshed. From the papers which had been laid before the committee, he was certain that the magistrates had performed the duties which were imposed upon them with the greatest prudence and humanity. He doubted, indeed, whether all the persons who ought to have been apprehended had been taken into custody and detained. Some of their lordships might be surprised at this observation; but if they had examined the papers as he had done, they would be of the same opinion. He should not trouble their lordships with any farther observations, as he conceived that the circumstances he had recapitulated sufficiently proved that the proposed measure was one to which they were bound to give their sanction. His grace concluded by moving that the bill be now read a second time.

The Marquis of *Lansdowne* said, he did not rise for the purpose of attempting to persuade their lordships to refuse altogether to entertain the bill, which it was now proposed to read a second time, but to call their attention to the nature and extent of the proceeding recommended to them by the noble duke, not only with reference to its importance, as it might oppose the just claims of persons who had been injured, but also, with reference to its legal character and consequences. Affecting as it did the rights and properties of the people, it inflicted, in conjunction with the bills of last session, a serious wound on the constitution; he was therefore of opinion with the noble duke, that it was impossible to separate the consideration of the present bill from those which had passed last session; but, notwithstanding what had fallen from the noble mover, he could not believe that it was intended by the noble duke to maintain that the passing of the present bill was a necessary consequence of the Suspension of the Habeas Corpus act. The noble duke surely could not think of seriously supporting such a proposition. As it was one which could not possibly be admitted by their lordships, the noble duke would doubtless on due consideration abandon it. Were it possible to conceive that the present bill could be regarded as a necessary consequence of those which had been passed in the course of the last session, it would then be no profitable employment of their lordships' time to consider what had been done under these acts, which, however, the noble duke had thought a fit subject to be dwelt on. But if it really was intended that the present bill should be a consequence of the measures of last session, would it not have been more candid and manly to have said so at the time these measures were introduced? No such declaration had, however, been made. On the contrary, when the suspension of the Habeas Corpus was in the last session under consideration, it was said that ministers were responsible for the exercise of the powers entrusted to them by these acts. If this measure of indemnity was a necessary consequence, where was the responsibility? Were they then to understand that at the time the suspension of the Habeas Corpus was introduced, and the responsibility of ministers was so much vaunted of, it was determined to bring in this bill of indemnity to render that responsibility a mere name?—He could not indeed believe it possible that the noble duke meant to say that the act of the last session rendered the present measure absolutely necessary, and that a bill of indemnity was to follow as a certain consequence of the Suspension of the Habeas Corpus.

The Duke of *Montrose* said across the table,—"No, no."

The Marquis of *Lansdowne* expressed a wish that the noble duke would explain.

The Duke of *Montrose*, after alluding to what he considered the irregularity of calling upon a peer to explain, proceeded to observe, that he had never intended to say, that the present measure was rendered absolutely necessary by the act of last session for suspending the Habeas Corpus. The words he had used did not go to the extent to which the noble marquis had interpreted them. Their lordships had passed a bill in the last session of parliament for the suspension of the Habeas Corpus, in the hope of avoiding the necessity of proceeding farther. If their lordships had not approved of the conduct of ministers, they would not have a second time invested them with the same powers by the renewal of the bill. Though this bill was according to his view, a necessary consequence of those passed in the last session, it was not strictly so, unless the House approved of the conduct of ministers.

The Marquis of *Lansdowne*, after observing that the noble duke was in the first instance irregular in speaking from his seat, said he did not believe it possible that the noble duke could have intended to use such an argument, but the noble duke having asserted that the present measure was a corollary to the acts of the last session for suspending the Habeas Corpus, it certainly led to an impression that he actually did view a bill of indemnity as a necessary consequence of the suspension of the Habeas Corpus. Certainly it was not what he should call a corollary; nor did he understand how the noble duke could so call it if it was to depend upon the conduct of ministers.

The Duke of *Montrose* again begged that he might not be represented to have said what he did not mean to say. He did not use the word corollary in the sense imputed by the noble marquis; all he meant to state was, that if ministers had acted upon the measure of the last session with the approbation of parliament, an act of indemnity ought to be a necessary consequence.

The Marquis of *Lansdowne* did not agree exactly with the definition of the noble duke of the term corollary, to which he annexed a somewhat different meaning from that attached to it by the noble duke. It was certain, however, that if the measure of last session had not been acted upon, there would be no necessity for a bill of indemnity; of this no one could doubt. Recurring to the measure before the House, he observed that it would still be necessary for their lordships to inquire into the state of the country before and after the suspension of the Habeas Corpus act passed, in order to ascertain how far it was proper to press the bill before them. The grounds on which the former bills had been passed were stated in the reports of their lordships committees. It was asserted that a spirit of sedition and insurrection prevailed throughout the country, and that there existed plans in the metropolis, the midland counties, and Scotland, for resisting the laws, and overturning the constitution, by violence. Now he maintained, that unless this intended violence was not only proved, but proved to have existed to such an extent that the ordinary laws of the country were incapable of overcoming it, all the pretences which had been set up for suspending the Habeas Corpus act were unsound and fallacious. It was stated in the recent report of the Secret Committee, that there were a number of persons in London who were still bent on pursuing mischievous projects; and in this opinion he felt himself bound to declare his concurrence; it undoubtedly appearing that there were a number of persons who, in spite of every disappointment, were still employed in mischievous projects, and who still, notwithstanding their diminished means and diminished resources cherished the hope of carrying their projects into effect. But how, with regard to these individuals, had the suspension of the Habeas Corpus operated? Their lordships must perceive, that although there certainly did exist in London such a disposition, those who cherished it must, indeed, be very few in number; for, notwithstanding the powers given to the noble secretary of state, and his vigilance in detecting treason, he had found no persons whom he thought so dangerous as to render their arrest necessary, except the two Evanses, the Spencean philosophers. All the other leaders of the disaffected in London had been allowed to prosecute their dangerous projects without any interruption. He could easily understand how a number of men could be deprived of their leaders under the operation of the Suspension act; but he could not understand how, by any operation of that description, the leaders could be deprived of their followers. Every advantage the designing could desire had been offered to them; during a year of unparaleled distress, they had repeated opportunities of working on the passions of the people of London; but after all, they had been able to effect nothing; every day saw them with diminished hope and diminished forces; and when it was most important for them to call their ranks together, they could never at any one point muster more than 50 or 100 individuals out of a population of 800,000 people. He mentioned this as most decisive of the weakness of those persons to whom so much power to produce mischief had been imputed. He mentioned this as most decisive to the state of feeling in the population at large; because, if any experiment could be tried on the temper of society (he was far from wishing that any such experiment should be tried), none could have afforded a more decisive result than this, where mischievous men had been at work through a whole year of great public distress, and at the end of it were found to have failed in producing any effect from all their machinations. But it was perfectly true that there had been, and he certainly believed were still, persons actively employed in diffusing violent and erroneous opinions; and it was singular that the persons most actively employed as mentioned in the two reports of last session, were incapable throughout of proportioning the means to the end; they never once appeared to consider with what insufficient means they thought to compass their projects. In all the circumstances, in all the bearings of these proceedings, it would have been much more effectual if parliament had conferred extraordinary powers on government to consign the objects of their fears to Bedlam, rather than to his majesty's prisons; and so much easier would it have been to convict them of madness than of treason, that it would never have been necessary for Dr. Monro to call on the House for a bill of indemnity for taking proper care of them in that unhappy receptacle. This, then, was the case of the disturbances that had taken place in London. He should now come to the case of the midland counties, as set forth in the reports of last year and the present session. It was here necessary for him to state, that in the midland counties as elsewhere (notwithstanding the state of London was such as he had just shown), it was generally believed that a large body of people were ready to co-operate with any who should join them. How that belief obtained ground he would not now discuss; that it had been produced, in Yorkshire especially, by that delegate from London, better known by the name of Oliver was undoubtedly true; but to what extent other parts of the kingdom had been operated upon by inflammatory speeches and the writings of persons resembling madmen (for madmen they did resemble), what portion of the expectation was derived from the latter, and what from Oliver he could not pretend to say. He certainly was bound to say that Oliver did exceed his instructions; and he wished their lordships to observe this, because the evidence which showed the improper instigation of Oliver, was of the same nature as that on which several persons informed against by Oliver had been arrested, and if there was any objection to the one, the same objection must apply to the other also. In both cases the evidence was that of parties concerned in the transaction; and here he begged leave to call the attention of their lordships to the nature of those transactions in which (though it was impossible to assign on what ground and motives) the impression he had alluded to existed in the midland and other counties. And what, even under that impression, took place in those counties? Their lordships would read, in the report of the committee, a detail of what took place near Derby, and of the insurrection that broke out in Yorkshire; they would find how small was the number of the rioters, and with what extreme facility they were put down; indeed, the object had rather been to overtake than to put down sedition: they would find what was the disposition of the inhabitants of the neighbouring counties and of the surrounding villages, in the very centre of all the disturbances that had taken place; these people were at least neuter; and on many occasions appeared to entertain an absolute hostility against the insurgents. Such was the extent of that insurrection; and, whatever its amount might be, no diminution of it was effected by the suspension of the

Habeas Corpus. In Derbyshire, the suspension had afforded no check whatever to the disaffection that existed. The disturbance there took place under the reliance that the discontented of that district had on their leader; it took place on the nomination of Brandreth, called the Nottingham captain, who was appointed to command the expedition. Here then was the whole extent of the operation of the suspension of the Habeas Corpus in that country. He knew it would be said, that if it had not been for the operation of that measure, the same disturbances would have taken place in other counties. He would ask, in estimating the extent of such a possible insurrection, even in places where the disaffected possessed the strongest hold—he would ask if, even in those places, it would not have been put down with equal facility; if there would not have been found in each of the adjourning counties one magistrate, one colonel, one sergeant, and eighteen men, for no more of each had been employed to quell the whole force of the disaffected in Derbyshire! But the noble duke had insisted, that the object of government was to prevent, rather than put down. Had the noble duke considered what had been the effect of the most arbitrary power, the abuses of imprisonment, the false information, the insecurity of persons and of property, which always ensued, under the pretence of preventing crimes which the policy of this country thought it more wise to leave to the public forms of justice? He had stated on supposition, that if similar insurrections had taken place in all the counties, they would have been put down in a similar manner. But what did really happen? Some persons attached to the left wing of this formidable insurrectionary army of Derbyshire had committed burglaries in Huddersfield; they had broken open houses; they had been arrested without any exercise of the powers conferred by the suspension of the Habeas Corpus; they had been tried at York for burglary; but in consequence of the prevarication of an old woman, the only witness, they had been all acquitted. But it was not from Yorkshire or London only that the deluded persons at Derby expected to receive support; they expected it from Scotland also, and their expectations had certainly not been frustrated by any exercise there of the extraordinary powers conferred on ministers. When the report came out, it was stated that all the manufacturing districts of Scotland, Glasgow, Edinburgh, and a variety of other towns, were equally implicated in the conspiracy to overturn the laws and government of the country. It was already, however, known to their lordships, that in consequence of the wording of the Suspension acts, there was a doubt whether they extended to Scotland, and that, in point of fact, they did not at all operate in that part of the United Kingdom. What was the consequence? Not a symptom of insurrection appeared; all was perfectly quiet. They had been told of an insurrectionary spirit to an alarming extent being prevalent in the south of Scotland, and the insurgents, it appeared, or some persons amongst them, talked of the clouds from the North that were to join them; but notwithstanding all these circumstances, notwithstanding the suspension of the Habeas Corpus did not operate there, Scotland was perfectly quiet. In Scotland there was no movement at all! In Derbyshire, no movement took place till the Suspension act had passed. In Scotland, which was left to the course of its own law, there was no movement at all! What were we to infer from this? In Scotland, where the remedy could not be applied, the cure had been most complete. Insurrections had taken place in Derbyshire, where the extraordinary powers might have been supplied; and none in Scotland, where they had not been used. He had now stated the situation of the metropolis, the midland counties, and Scotland. The result was, that in the metropolis, without any exercise (except as to the Evans's) of the extraordinary powers vested in ministers, any danger that might originally have existed had been gradually diminishing. In the midland counties the suspension had not operated to prevent the insurrection as originally planned; an insurrection did take place, and treason was aroused to its full developement, but was attended with no evil even to those in its immediate vicinity, and of all others most immediately affected. In Scotland, where the suspension had never been acted on, the country was a scene of unbroken tranquillity. He said tranquillity, because the trials that had taken place in Scotland had afforded no proof whatever that that tranquillity had there been even menaced. He must consider it as an extraordinary proof of tranquillity, that after all the instances that had been offered of a disaffected spirit prevailing there; after all the representations of his majesty's ministers, and the various allegations in the different reports; after all that had been stated of Glasgow, Edinburgh, and the manufacturing districts, his majesty's law officers could bring none to trial but an old clergyman, the rev. Neil Douglas (against whom nothing could be alleged, but that he had used some violent expressions in a sermon, and even that allegation, although such expressions if they had been used in the hearing of a public congregation could not be difficult of proof, was found to be not proven), and two others, who had used improper words at a public meeting, all of which, in the sentence of the court amounted only to "indecorous, absurd, and improper expressions." These were all his majesty's law officers had prosecuted, with the addition of one other,—he meant M'Kinley, who (after conduct on the part of the Crown prosecutor to which he should not now advert, but which he thought loudly demanded a separate inquiry) was returned to his family without any substantiation of the charges brought against him. These then were all the cases that the ingenuity of the law officers of the Crown in Scotland could rake together; not the slightest symptom was there of any insurrectionary movement. Having now stated what was the situation of the country at the time of the suspension of the Habeas Corpus he begged to remind their lordships, that he had set out with undertaking to dwell only on that statement which went to show that there had existed any real danger to the government of the country, because it was unnecessary in any case but that of actual violence to have recourse to a suspension of the Habeas Corpus. He had on a former occasion stated, that if the House, instead of inquiring for designs of violence, and searching out for treason arrayed, had only inquired whether erroneous and mischievous opinions existed, and to what extent, they would have found that whole classes of people were affected by foolish and impossible doctrines; but he hoped he should not be told that such opinions were to be repressed by the measures of an arbitrary government. On the contrary, it was he thought, quite clear, that these erroneous and absurd notions were principally caused by the pursuits of such arbitrary measures, and by the withholding public justice from the jurisdiction it ought to exercise over offences. Such proceedings formed the noxious aliment on which these opinions were nourished, and it was by adhering to such proceedings that the surest handle was afforded to those who were disposed to inflame and mislead the public mind. The noble duke had said it was better to prevent insurrection than to put it down when it took place. He was willing to believe that the noble duke when he used this argument was not aware of all the consequences to which it might lead. There could be no more arbitrary powers granted to the most arbitrary police that ever existed in any country in Europe, than those of preventing offences by capricious regulations. It was of the very essence of a free government, that offences should be only met by the laws when they were committed, and that then the offenders should be in the due course of the administration of justice brought to trial. Let them adhere to the law, and they would be safe. Let the danger be what it would in appearance from any seeming spirit of discontent, if they confined themselves to the defence of the citadel of the constitution—if they exerted themselves to defend that tower of strength, built upon the wisdom of ages, the law of the constitution, they might rely upon the support of the people—they might rely upon maintaining the constitution against every attack upon it, and preserving it unimpaired amidst the gratulations of the great majority of the nation, notwithstanding every shock by which it could be assailed. It was in vain to conceal that there was considerable discontent amongst a numerous class of individuals, but it was a most important object for their lordships consideration, whether the appearance of arbitrary measures, whether the appearance of injustice towards individuals did not materially contribute to increase that discontent; whether, also, that increase was not aided by the want of that publicity with regard to charges against individuals which was justly considered as a most essential part of the liberties of the country. Let them revert to the known and established laws of the country, under which all persons accused had the advantage of a free and open trial, and much of that discontent which now prevailed would probably be done away. And this led him to the particular measure now under the consideration of the House; a measure which in character at least was an additional invasion upon the laws of our country. He said, additional, because the suspension of the Habeas Corpus, however violent and improper, was at least a temporary measure, while this would have a permanent effect to the end of the lives of those who had suffered under the former measure, and would be appealed to as a precedent in future. He had said before, that he thought it impossible for any noble lord to contend that a supension of the Habeas Corpus should necessarily be followed by a bill of indemnity; but if reason were not sufficient for such an assumption, he was also borne out by historical precedent. The Habeas Corpus act had been often suspended; but, in 1722, sir Robert Walpole, a minister who ought never to be mentioned without respect, would not call for any bill of indemnity. After other suspensions, different bills had been adopted and proposed, but none to the extent of the present, except in 1801, or that of Ireland in 1798; which he did not mention, because he hoped the transactions of that dreadful period would never be called a precedent for any proceeding whatever. If their lordships considered not only what provisions the present bill contained, but what persons were chiefly affected by it, he trusted they would pause before they proceeded. Their lordships were in possession of the report made by the committee. When that committee was appointed, he had suggested that it should be armed with full powers to make a complete investigation, and to send for papers, persons, and records. It had afterwards been proposed to refer the various petitions from parties aggrieved to the consideration of the committee. Whether that had been acceded to, or it had been understood that the committee should have power to send for papers, persons, and records, was of no material importance; but he did consider it worth their lordships attention to have made a full and impartial inquiry, or still to make it, before they passed a bill which affected the interests of so many who claimed redress, which professed to exclude them from that redress, and set aside the whole intent and effect of equal laws. If their lordships hoped to satisfy the public, they could not proceed to pass such a measure without completing the inquiry. If such inquiries were inseparable from indemnity bills in general, they were more especially necessary in the present instance. He did not say that he should oppose an indemnity in all cases of suspension; but he entreated their lordships to look at the provisions of this bill before them. It provided an indemnity not only for those who were authorized to commit and detain under the suspension act, but for all persons who, not only during the actual suspension of the Habeas Corpus, but from the first of January last, had detained any parties whom they might suspect, however unwarrantably, of being disaffected towards his majesty's government. It included not only secretaries of state, privy counsellors, magistrates, but also all officers, spies, informers, or any other persons employed intermediately or otherwise under the government, who might in any manner have contributed to the detention of persons they might think fit to deem objects of suspicion. Would their lordships at once rob and confiscate the legal rights and claims of a description of persons so large as those who had been affected by the late extraordinary measures, without affording them an opportunity of making their complaints heard, and holding out a hope of some redress to those who, under every precaution, might have fallen victims to misrepresentation or mistake? Their lordships committee had done their duty, but the duty committed to them was only that of inspecting papers submitted to them by the Prince Regent. Let their lordships consider to what an extent such an indemnity would operate, they knew not indeed, nor could they know without inquiry, how many persons who had been outraged or injured, would be thus precluded from obtaining redress by the laws of their country, who would be thus shut out from every channel through which they could obtain the slightest remedy for the grievances they had sustained. Measures which went to set aside the laws of the country, might, in the way of precedent, operate upon persons yet unborn; and it behoved them to take the most sedulous care that gross injustice was not committed, in order that it might not be drawn into precedent to operate, perhaps, still greater injustice at a future period. He thought it essential to the cause and purposes of justice that time should be allowed for persons, who thought they would be aggrieved by this measure, to petition that House, and to be heard at the bar with regard to the grievances of which they complained, in order that their lordships might be aware of what it was they were called upon to enact, and that previous to proceeding farther in the bill, they might refer such petitions to a committee, to ascertain the nature and extent or reality of such grievances. For this course there was a precedent in the other House in the 1st William and Mary, where, upon a bill of indemnity, petitions were received, complaining of arbitrary conduct on the part of judges and others, which petitions were referred to a committee to report upon their contents. Why that course should not now be adopted he had yet to learn. He knew it might be stated, and with some chance of approbation from many noble lords, that the individuals affected were worthless characters. Certainly, with respect to those he had heard of, he could not, even before the committee sat, think very highly, and the result of that sitting had not impressed him in their favour; but the distinguishing feature of the British constitution was, that any individual however low, however worthless, however guilty (at least till found so), was an object of as great interest as any one of their lordships basking in the sunshine of fortune; and in this measure was concerned the fate, not only of many such individuals, but also the hopes and happiness of hundreds who were yet unborn; for though the individual himself might be worthless, the principle involved in the trial of his case might be of the greatest importance to future generations. It was the duty of the legislature to prevent men from being deprived, under any hasty analogy of the benefit of laws and privileges they inherited by birthright. He was not now disputing the propriety of entertaining the bill at all (it might or might not be a necessary appendage to the last act of the legislature, to which it referred), he only asked their lordships not to deprive men of their rights, not to extinguish every hope of redress, by adopting this measure without some proceeding of inquiry more full and extensive than that they had hitherto been satisfied with. He entreated them to adjourn the question for one fortnight; it could expose them to no inconvenience, as the *ex post facto* law they were proceeding to pass would cover all the interval, and it would afford time to deliberate on the claims of parties who had been aggrieved. He therefore moved, as an amendment to the noble duke's motion, that the word "now" be omitted, and the words "this day fortnight" inserted instead.

The Earl of *Liverpool* said, that as far as the objections of the noble marquis related to the particular provisions of the bill, as the present was not the time for entering into their discussion, he should postpone what he had to submit in reply upon that part of the subject till the House should have gone into a committee. He should be prepared to show, at the proper opportunity, that the present bill did not go beyond acts of a similar nature in any of its provisions; but whether it did or not, the only question now to be decided, was, upon the principle, in discussing which they were only bound to say, whether, after the proceedings of the last session of parliament, and the report which was now on their lordships table, it was fitting that a bill of indemnity should be granted, of the same general nature with those which had been formerly passed under similar circumstances. The noble marquis had alluded to an expression of his noble friend's, which he had certainly, though he would do him the justice to believe not wilfully, mistaken and misrepresented. He had described his noble friend to have said that the bill of indemnity was a mere corollary, a necessary consequence of the suspension of the Habeas Corpus act. But as he understood his noble friend, he had said no such thing; he could not have said it.—No, his argument was, that after such a report as that presented by their lordships' committee, a bill of indemnity seemed to follow as a measure due in justice to those who had been intrusted with the difficult task of carrying the act of suspension into execution. How then did the question stand? With regard to the first point referred to by the noble marquis, as to the extent of the danger which threatened the country at the time when that measure was judged necessary by parliament, it could not be denied that, whether well or ill-founded, a sentiment of great alarm, pervaded numerous classes of society. Parliament thought it necessary to inquire into the fact, and the result of that inquiry was a similar persuasion upon their parts. The danger appeared to them of such a magnitude as to require that ministers should be armed with a power to take up persons suspected of high treason, and detain them in custody in a maner not authorized by the ordinary law of the land. Parliament had deemed it necessary to adopt the same course in other cases, no matter whether few or many, when the constitution was threatened with danger. In those cases they appointed committees and acted upon their reports. It was so in the present. They appointed two committees at several periods during the last session. The first committee recommended that such powers should be invested in his majesty's government, and the second committee recommended a farther extension of those powers under the circumstances then existing. Under this second act of suspension, some individuals had been arrested and detained. But, at the commencement of the present session, on the first day of meeting, his majesty's government came down to the House and stated that those powers were no longer necessary; that the causes which existed during the last session happily existed no longer, and they proposed the immediate repeal of the measures under which they had acted for the protection of the country, and which would have been in force more than a month longer had they been permitted to run to the limit prescribed by the enactments. If any one in that state of things had moved for a bill of indemnity it would have been as a corollary to such proceedings, and not to the mere act of the suspension. But that was not the course pursued? Government were anxious to lay every information with respect to their conduct before the committees of the two Houses of Parliament, in order that they might know how they had exercised the powers entrusted to them generally and particularly, and judge from them how far they were entitled to such an act as they now came forward to apply for. They did not ask for it as a necessary consequence of the suspension of the Habeas Corpus act, but on the ground of the belief expressed by the committee, that the powers committed by parliament to their discretion had not been abused. That and that alone was the ground upon which they now stood before parliament and the country. The noble marquis had said it was impossible to detach the consideration of the Indemnity bill from the Habeas Corpus Suspension act. To a certain extent he was willing to admit the truth of this proposition, but in some respects the two questions materially differed from each other. Unquestionably it was possible that an individual might at the same time admit the existence of the danger, but deny that the measures adopted in consequence of that danger were the most likely to enable the country to surmount it, or were in any aspect of the case a proper or defensible remedy. Yet such a one would, according to his judgment, be bound, notwithstanding, to vote for a bill of indemnity, because the question was not now upon the expediency of granting those powers, but upon the fact, whether or not those powers had been abused by the persons to whom they were entrusted? If parliament was of opinion that such powers were necessary at the time, it would not be fair to say to the executive government, "I will try you not by the opinion of parliament, but by an opinion of my own. I will not take their judgment npon the subject of expediency, but I will form a judgment for myself, and according to my impression upon this previous consideration I will determine to grant or to withhold the bill." This would not be a fair proceeding, even if the suspension of the Habeas Corpus act was not clearly made out to be a necessary and justifiable expedient. But he should not avail himself of such an argument. He was prepared to maintain, that its necessity was distinctly proved by the transactions of last session, and by every thing that had happened since. The noble marquis had traced the internal state of the country from London through the different districts, and had offered a few words with regard to Scotland. He had observed upon the smallness of the number arrested in London under the act. That circumstance he did not mean to dispute; but did it follow from thence, that many were not disposed to disaffection? He would not say that the danger was greater in London than in any other part. The noble marquis he believed was not in England at the time; but he would beg their lordships to recollect what the state of the town was in the months of November, December, and January, at the time of the meetings at Spa-fields, and on the day of the meeting of parliament. He would ask them to recollect what the state of the town was until the alarm had reached parliament itself, and induced them to adopt measures of security, and to arm the government with powers, in order to meet the violence of the times. If their lordships recollected this, he believed they would not say that there was not great danger in

London. It was to be seen from the evidence, that many active and able persons, not, indeed, possessing property or respectability, in this town, were concerned in those machinations; but the internal state of the town was obvious to every one. Alarm and apprehension were expressed in every face as they passed the streets. Persons were taken up under the act—some were brought to trial—two were not, but the reason why they were not had been stated elsewhere. Was it nothing that the peace of the country had been secured, that apprehensions generally entertained had been allayed, that confidence had been every where restored? Such were the consequences which all the accounts received from different parts of the country concurred in stating to have attended the operation of the Suspension act. He would undertake to state with reference to this town in particular, that the alarm which was excited among the disaffected by the passing of those bills had materially checked their proceedings. They had the effect of abashing their boldest advocates, of taking the conspirators by surprise, of defeating their schemes both here and in the districts, of forcing them to distrust their cause, and, what was often of greater importance, to distrust each other. It was consolatory to reflect that the temporary suspension of that act, whose existence was so important to our liberties, had accomplished the security of the public peace by means less serious and violent than could otherwise have been accomplished. There were multitudes of instances which proved the sacrifices which it might have been impossible to prevent, without so strong a measure of precaution. The state of London and of the country generally in 1816, and at the beginning of 1817, was such as to require the exercise of this extraordinary power. He thought it material that their lordships should understand the grounds on which he and his friends rested their own defence, and the justification of parliament in passing the act. They did not mean to contend that the proof of the existence of a wicked and treasonable conspiracy would in itself be sufficient to vindicate the course they had taken. When his noble friend and himself were connected with a former administration, a conspiracy of the most malignant nature had been discovered—he meant colonel Despard's plot; yet government did not in that instance resort to the suspension of the Habeas Corpus act because it appeared to have been an insulated proceeding, not ramifying into other and no less dangerous designs against the safety of the government; and though malignant in its character, not extensive in its operation. He was ready to admit that no local disturbance, or partial mischief, would afford sufficient ground for the adoption of so extraordinary a measure. It was upon this principle that the Secret Committee which sat in 1812, to inquire into the disorders and outrages committed in the midland counties, and into the nature of the Luddite associations, although they recommended new legislative measures, did not deem it necessary to suspend the Habeas Corpus act: not from an idea that there was not a conspiracy at the time alarming and dangerous, but because it did not assume a treasonable character, though many persons hostile to the government were concerned in it. However wicked and mischievous the practices of those persons were, and however disaffected many of them probably were to the constitution of the country, their plans were not immediately directed to the overthrow of the government and laws. But what was the situation of this country during the six or eight months by which the necessity of the late measure was to be tried? Not only were the Spenceans active; but, a regular systematic, organised conspiracy was proved to have existed in different parts of the kingdom. It was proved to have been carried on simultaneously in London, in Manchester, in Nottingham, in Leicester, in Derby, and in the West Riding of Yorkshire. The several branches of this extensive confederacy had acted in concert with a view to insurrection and to the subversion of the constitution. He would insist, that under those circumstances it was an act of mercy to the country to pass the act. He well knew that the danger was materially increased by the peculiar circumstances of that period, and it was this consideration which rendered it an act of mercy to protect unhappy individuals from that delusion, which their private distress rendered more than ordinarily powerful. All these facts had been proved, not only by the reports of the Secret Committees to which the evidence had been referred—although that, he conceived, must satisfy their lordships—but in courts of justice, and according to the established laws of the country. The law of England would not be what it was, and what it ought to be, if it did not admit the possibility of a conspiracy being fully proved, whilst the person accused of it was acquitted. He was far from being disposed to reflect upon verdicts of acquittal, and thought that a jury might often conscientiously acquit a prisoner in cases which left no doubt of the existence of guilt somewhere, although from a defect of legal evidence they did not feel warranted in finding a different verdict. But he was fortified by cases in which convictions had taken place, he alluded to the trials at Derby; he would maintain, that they furnished clear, distinct, and explicit evidence of conspiracy. Those trials not only brought to light the circumstances attending the insurrection in Derbyshire, under the Nottingham captain, but showed that a rising took place at the same time, on the 9th of June, at Nottingham, and although the insurgents were comparatively few in number, they were armed and formed in military array marching to join each other. On the same day, or the day before, a similar rising took place at Huddersfield. These proceedings were not caused by a scarcity of provisions, nor had for their object the destruction of any private monopoly, but were parts of a concerted plan and system, organised throughout the most populous districts of the kingdom, with the view of overturning the established government. The noble marquis had said that this insurrection was not prevented by the Suspension of the Habeas Corpus act. He would ask the noble marquis, was he certain that the conspiracy might not have assumed a different character, even at Nottingham, if in the month of June measures had not been taken to prevent it?—The noble marquis had put it to the House, whether every tumult of this description was to be considered as justifying a suspension of the subjects rights? He did not mean to say so, and the cases he had quoted at the beginning of his speech showed that it was not the system pursued by his majesty's government. It must always be left to the wisdom of the legislature to decide according to the nature of the existing evil, whether it could be remedied by due course of law, or required the adoption of some strenuous exertion beyond its ordinary powers. It must always be a question of degree; and in the late instance, the danger was of that extent and degree as to justify parliament in the view which they had originally taken of it. Parliament had decided that the danger was such as to require the stronger course—that course they accordingly adopted; and it was well known, that from distress and from the difficulties of the times, combined with other causes, a spirit of disaffection, more or less extensive, had manifested itself, not merely in one place, but throughout the kingdom. The conspiracy thus engendered, was not even of short duration. For seven or eight months, from December, 1816, to June and July in the following year, it appeared in constant activity, sometimes appearing in one place, sometimes in another, but at all times fraught with the most serious consequences, and exciting in the well-disposed part of the community the greatest alarm. The noble lord had said, that a great part of the danger arose from the misrepresentations of the persons employed by government. He would not take up the time of the House with any observations upon the conduct of the individual principally alluded to in this charge. It could not affect the question at all. This much, however, he should state, that the conspiracy was in existence for weeks and months before that person went into the country. The state of Scotland had been alluded to, and it had been inferred, that the danger in that part of the kingdom could not have been great, because the Suspension act had not been enforced: but those who were acquainted with the ordinary powers of the law in Scotland, knew that they differed materially from those of our own, and they had for that reason been found adequate to the emergency. As to the argument which went to underrate the danger, on the ground that those concerned in the traitorous designs were few in number and of no respectability, it had little force. Perhaps there was not sufficient knowledge possessed with regard to this circumstance. When a conspiracy of this kind was in existence, when distress had disposed the minds of the lower orders to disturbance, who could undertake to say what numbers might have been concerned? Who could undertake to deny that there might not have been tens and twenties of thousands? Those who recollected what passed in 1780, the formidable riots of which period were commenced by a few boys and old women, must know what a few hours might produce in collecting numbers for purposes of disturbance, and how possible it was, even from

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beginnings the most trifling, to produce a degree of confusion which might last for days, and even weeks, and render the most violent measures necessary to restore the peace of the country. Evils of this kind, if they were not likely to endanger the stability of the government, might, if not instantly and vigorously checked, shake the peace of society to its foundations. As to the argument derived from the circumstance of no persons of consequence being concerned, he thought we had lived in times when the impracticability of revolutionizing a state without the agency of men of rank, would no longer be advanced. Even in former days, many passages in our history would be found to discountenance the opinion that there was no danger to be apprehended from conspiracies which were confined to the lower orders, but in our own days, with the example of France before our eyes, with the example of what had passed in Ireland—when we had witnessed in both countries insurrections by those who had nothing, against those who had every thing—he did not expect to hear property and consequence insisted on as necessary to render disaffection dangerous. The question, however, now was, whether such a danger had not existed as to make it wise, with a view to the public safety, and humane as respected culpable but unfortunate individuals, to vest a power in the executive government, which might indirectly, and by its very name, operate to put down the mischief, without having recourse to measures of the last severity, under whose rigours the lives even of well-disposed people might unfortunately be sacrificed. His firm and thorough conviction was, that under all the circumstances, it was a measure of humanity as well as of justice; and that there never had been a measure of preventive justice, which had repressed evils of a more extensive or heinous nature. He agreed with the noble lord, that even those who thought the suspension of the Habeas Corpus necessary, might differ as to the propriety of passing the present bill, if they had reason to conclude, that ministers had been guilty of a wanton abuse of the powers intrusted to them. The bill did not follow as a matter of course. The conduct of ministers had been referred to a committee, falsely said to be a committee of their own friends; for they were anxious to place in it those who differed from them in opinion, as well as those who agreed. By the report of the committee it appeared, that all the detentions which took place under the suspension, were fully warranted by circumstances; and if their lordships had any confidence in that report, they must in justice and in fairness grant the protection of the bill now proposed. If the question were asked, whether there existed greater danger to the country during last year, when it became expedient to have recourse to the suspension of the Habeas Corpus, than there existed during the French revolution, when similar measures had been adopted, he certainly would grant that, considering the state of France at the time, and the dangerous influence which the example of that country had on the public mind in this country, the necessity might be more apparent at that period. But did it follow, because the danger was then greater, that therefore the measures adopted last year were not warranted by circumstances? During the eventful period he alluded to, such was the dangerous state of the country, that it became necessary to renew the Suspension seven or eight times, to counteract the poison which had insinuated itself so deeply into men's minds. There was this also to be observed, that during the whole of the period of the former Suspension, there was no insurrection in the country. It was to guard against a secret poison which infected the minds of men, that it was tried on that occasion; but in the late instance it was to guard against the consequences of an immediate insurrection. Last year intelligence had been received of various insurrections ready to break out, and all had taken place except one; and the prevention of that one was solely to be ascribed to the Suspension of the Habeas Corpus, which had struck a salutary terror into the minds of the factious and disaffected. The report of the committee, which was now on their table, bore testimony to all this: he would desire them, therefore, to look at the evidence of that report, and they must be convinced, that the conduct of government was fully justified by the precedent of 1801. From all the circumstances of the case it would appear, that though the nature of the danger apprehended was different, yet the measures adopted were as well warranted by the necessity of the case, as those adopted in 1715 and 1745. It was at critical periods such as these, that detentions on evidence which could not be brought forward took place; and the manifest danger of disclosing such evidence, justified its suppression. Government might know much that could not be brought forward at a public trial without great danger. It was to prevent the necessity of bringing forward such evidence, that bills of indemnity were passed. Were any question to arise as to the manner in which they had exercised the powers entrusted to them, a ground might be made out to justify the refusal of such a bill, but as that was not the case in the present instance, he felt confident, for the reasons he had already stated, that their lordships would reject the amendment of the noble marquis, and agree to the motion, as originally proposed by his noble friend.

The Marquis of *Lansdowne* briefly explained. He had never argued that indemnity was the natural result of the Suspension of the Habeas Corpus act, or that those who either supported or opposed that suspension were bound, in their support or opposition, to the act of indemnity. What he had said was, that it became necessary to recur to a full examination of the state of the country, in order to ascertain how the powers with which the government had been entrusted were exercised; and whether any difficulties subsequently existed which prevented such a disclosure of evidence, as in a court of justice would be considered sufficient to warrant the detention of the persons imprisoned.

Lord *Erskine* said, that whether the suspension of the statute of Habeas Corpus in the last session of parliament was, or was not a just act of state necessity, could not possibly, in the present stage of the discussion, be even a relevant consideration. It might bear indeed upon the merits of the bill hereafter, but could obviously have no reference to the amendment proposed by his noble friend behind him, which went only to the propriety of postponing the farther consideration of indemnity for the unanswerable reasons he had offered to the House.—The noble earl (Liverpool) had laboured, throughout the whole of his speech, to establish that the treasonable insurrections were of a magnitude clearly sufficient to justify the suspension which had taken place; but admitting, for a moment, that he had succeeded, what reference could it possibly have to the question before them so manifestly different; the proposed amendment being to give time for the admission of evidence to ascertain whether the powers fitly or unfitly entrusted to the noble secretary of state, and others acting under his authority, had been confined to the purposes for which they were bestowed, or wantonly exceeded and abused; when that was the only question brought forward by the motion, how could it be at all material whether the authorities granted to magistrates were just and necessary, since neither their necessity nor their justice could be any justification to those who had without necessity overstepped them, and unjustly converted them into instruments of oppression? and how again could such a question be possibly entertained in the absence of all evidence, which it was the sole object of the amendment to obtain; and how could it rationally be resisted, unless the House was prepared to say in the face of the country and of the whole civilized world, that the petitioners and others who had so grievously suffered in their persons and reputations, without a shadow of pretence even under the severe powers unnecessarily bestowed were to be shut out at once from all the protections of the law which from time immemorial had been the distinguishing birthright of British subjects, and which our justly boasted constitution had no other end or object but to bestow. For the noble secretary of state whose office involved him in a peculiar responsibility, he had very long entertained a sincere regard and respect, and if he were now upon his trial to answer for abuses of the extraordinary powers entrusted to him, he would be a most willing witness to his general character for moderation, humanity, and justice; but nevertheless if the noble viscount were his own brother, aye, and a twin with him in the same birth, he never would consent to protect him by an act of indemnity, if the evidence were excluded by which alone his title to indemnity could be ascertained.—But even if it could be admitted in the absence of all proof, and after the rejection of all petitions and complaints that the secretary of state had acted with the utmost purity of intention, how could that admission extend to justify those who had conveyed to him the informations upon which he might have honestly acted, if in many instances they could be manifestly shown to have been malicious and infamously false? or how again and for the same reason could it have the remotest application, even where inferior magistrates had acted honestly upon similarly false informations to protect those who had given them maliciously and without probable cause, deceiving the magistrates, whilst the innocent were betrayed; yet if the bill now before them passed into a law without farther inquiry by the rejection of the proposed amendment, such would be the odious and intolerable result. His noble friend might feel in his own mind as far as he himself had been instrumental in carrying the law of the last session into execution, that no abuse of his authority had taken place, and upon the production of the informations he acted on, would be indemnified at once by the common law, without any act to protect him; and if in the exercise of such a difficult authority any of his acts turned out to have been illegal, no man could then object to a corresponding indemnity; but upon what principle malicious, sanguinary, perjured informers, even after the most decisive proofs of their guilt were to be saved, harmless and protected, he was utterly at a loss to comprehend. Whilst the laws indeed were overborne and not in force to protect the honest and innocent from the violence of the guilty, the secret informations might be justified, but to extend that secrecy to periods of profound tranquillity when the laws were in undisputed force to protect and even with safety to reward every honest informer, whatever his information might have been, established a principle not only utterly subversive of the British constitution, but destructive of personal security, under any form of government whatsoever. There was no law that entitled a magistrate to act upon secret information; neither was any such authority given by the act under which the writ of Habeas Corpus was suspended, and if even, as he had just said, the magistrates might be justified in not returning such informations according to the ordinary course of magistracy whilst the authority of the laws might be held inadequate for protection, yet it never was before heard of in England that secrecy could be justified after order had been compleatly restored; and he verily believed that no English statute could be produced to justify the monstrous preamble of the bill before the House, and this assumption of a false and unprecedented principle of secrecy was only a gross fraud upon the sufferers, protecting the most infamous oppressions, and extinguishing all relief under the laws.

Lord Erskine said, that this false principle of secrecy would in itself be intolerable even if there were no actual victims to it, but it was notorious that there were many, though the House had refused to look at their supplications—giving the utmost credit, therefore, to his noble friend's integrity and discernment, it was quite clear he had been imposed upon by the artifices of designing men who wished to recommend themselves by their apparent zeal [lord Sidmouth signified his dissent]. His noble friend had no doubt honestly dissented, but his own conviction was, that the admission of the evidence which was the object of the amendment, would prove clearly he had been deceived; and no man ought to presume to contradict him, who gave his vote to shut it out; and how and why the House had been deceived the evidence would have shown also. Their lordships must no doubt remember that when this proceeding originated in the present session, it was pressed upon them to refer the evidence to a committee of the whole House, or if greater secrecy could be at all necessary at the present period, to a more select committee impartially composed without any regard to parties, by which the House at large might have a reasonable assurance of a faithful and unbiassed result; he intended no disrespect to the few noble lords of whom the committee consisted, but he protested against their nomination by such a mockery of a ballot, when instead of a free choice, of which it carried the mark and imposition, the very names were given to the ballotters. There were occasions, indeed, when such ballots might not be exceptionable, and which could alone account for the precedents that might be produced; when facts of many descriptions were to be investigated at the instance of those who were charged with the administration of the government, involving no questions of public liberty nor strong differences in political opinions. The nomination of peers by ministers, though by the apparent free choice of a ballot might perhaps be justified, since ministers might best know what peers were the most likely to attend, or the best qualified for the business that was on hand; but could such precedents or any precedents justify the abuse of such a ballot, when ministers who thus named the committee were themselves to be indemnified, and upon evidence too which they, and they alone, were possessed of, and were at their own choice to hold back or to produce, the House at large knowing nothing whatsoever but from the general report of themselves thus selected for their own indemnification; and although such report, without a syllable of the evidence being known to the House, was at once to deprive multitudes of oppressed and ruined sufferers, of all redress under the laws against the falsest and most infamous of mankind; no precedent could sanctify such injustice; and independently of the injury to others, it had a tendency to lower the House in the opinions of the people, who had for ages held it in reverence for its faithful administration of justice.—It was notorious that many had been arrested and detained for months after months in dungeons, yet were afterwards discharged without trial, and that the most innocent had been ensnared by the dark and mischievous machinations of those whom ministers themselves had employed and rested upon for the truth; yet even those ensnared victims of treachery were to be cut off from all legal vindication and satisfaction by such a secret committee (the House itself being totally in the dark upon the subject), composed too of the ministers themselves,—[A cry of No, no! from the opposite side of the House.] Lord E. said he did not mean entirely composed of ministers, but if he were himself upon trial he should think himself quite safe to have such a proportion of his jury selected by himself, or from among the number of his steadiest friends; what would the noble lords have said to the same striking of a jury, had it been adopted under the special commission at Derby, where the prisoners were tried and executed?—Whatever might have been the evidence, would such convictions have ever taken place, if the prisoners could have set aside all the challenges of the Crown, and could themselves have named by such a ballot the very persons to try them with whom they had conspired. It was obvious that he could mean no offence to any noble lord in the House by such a comparison, but the principle was unquestionably the same, however pure and enlightened the conduct of the committee might have been, and its report, therefore, though it might secure indemnity, could neither establish a title to it, nor satisfy the demands of the country.

Lord Erskine said, that what doubled his objection to the whole of the proceedings of the last and the present session of parliament, as they regarded the present subject was, that they defeated the very purpose of government to punish offenders by the strong and popular arm of the law, and thereby to tranquillise the country with instantaneous and obvious effect. The House might bear in mind, that when in the last session sealed-up evidence was laid before the House, as the foundation for suspending the act of Habeas Corpus, he had urged them strongly to prosecute the offenders by the ordinary course of law, because he knew from long experience that it was the amplest and most efficacious mode of giving dignity, popularity, and strength to the administration of criminal justice; had that just and prudent course been adopted, the danger would not have been to government, but all on the other side. Instead of having to fear the prejudices of the popular part of our judicial constitution, on the trials of the offenders, *they* might have suffered injustice but in the protecting mercy of the Crown, the country at large being admitted, even by the report of the committee, to have been sound and untainted, the accused and the suspected ought to have been left as odious and unpopular exceptions, and in that case could have had neither friends nor protectors, nor any hope even, if guiltless, but in the sacred impartiality of justice, when left, as it ought to be, to itself. Nothing could be more certain than this: all the friends of order and good government would have been against them; all the enemies to the most temperate reformation would have been no less so; and even the wildest reformers, the claimants of universal suffrage, would have held them in detestation, because they knew, by dear-bought experience, that nothing had so notoriously and so effectually put down even the possible chance of reforms, or changes of any possible description, as when they had been rashly clamoured for by libellers, or sought for amidst the tumults of ignorant and desperate men; but instead of taking the advantage of this obvious separation of interest and feeling between the great body of the people admitted to be untainted, and those accused or suspected ministers had blended them altogether by an universal, useless, and mischievous eclipse of public liberty. This was the grand mistake—the very source of the alarm that had taken place, and of the popularity of those who might otherwise have been even wrongfully deserted, and but through the mercy of government might perhaps have unjustly suffered.

The insurrections, such as the report had described them, might thus most manifestly have been crushed by the exertions of a vigilant magistracy, and this ordinary course of law, but by seeking a security beyond the law, government had given a shield to those it had to combat, and in popular feeling the accused stood rather as patriots and martyrs than culprits in the hour of trial.—He meaned to make no remarks nor even allusions to any verdicts that had been given—the House had no right to examine them—it could not by law bring the evidence before them for a legal judgment, and much less therefore without evidence could their justice be questioned by it. In such a case the maxim of the law ought to be conclusive *omnia presumuntur rite acta.* It was with great satisfaction he had observed the just and prudent reserve of the noble earl (Liverpool) in speaking of the trials—The want of it in an enlightened and regretted friend, the late Mr. Windham, had given him great pain formerly, when, after the acquittals at the Old Bailey on the great state trials, he spoke of the "acquitted felons,"*—an expression of which kind had never fallen from the lips of his noble and learned friend, who had conducted with great honour and candour those interesting and momentous prosecutions; but the real truth was, that though the people always justly feel a strong but regulated satisfaction at the vindication of innocence in state prosecutions, which are objects of just and scrutinizing attention in a free country, yet it had never arisen to indecent or even irregular triumph but when government, by its own severity or imprudence, was thought by the multitude to be in the wrong; and the House could not but remember that when he (lord E.) was in the very act of telling them in the last session of parliament that they must lay their account with such popular feelings throughout all these trials whilst the Habeas Corpus act was suspended, he was interrupted by the loud joy at an acquittal which had at that very moment taken place. He did not mean in any manner to question the just result of that prosecution, but only to mark on the principle he had adverted to, the more than ordinary feeling which carried an air of triumph to the accused.—There were occasions indeed when the suspension of that great statute would be felt throughout the whole of this enlightened country with universal satisfaction, as in cases of armed rebellion or wide-spread disaffection to the government; but the report of the committee itself, upon the very bill now before them, had negatived all the former alarms and reduced the disturbances to almost nothing.—Here lord E. read those parts of the report which were afterwards made the subjects of lord Lauderdale's amendments; viz. "that the committee had the satisfaction of delivering it as their decided opinion, that not only the country in general, but even in those districts where the designs of the disaffected were the most actively and unremittingly employed, the great body of the people had remained untainted even during the periods of the greatest internal difficulty and distress."—Good God! exclaimed lord E., what more could any government expect or wish for in any nation upon earth? How very different was the state of public feeling during the early periods of the French revolution when visionary theories of government were afloat in the minds of the multitude, for the most part wholly incapable of estimating the real value of a monarchical institution when wisely tempered by the dominion of the laws, and duly balanced by a representation of the people.—But it was not to the report alone that he need refer for the universal loyalty of the nation, no nor to that most affecting part of the Prince Regent's speech from the throne on the opening of the session, which gratefully noticed in what manner it had been surrounded by condoling addresses on a late lamentable event. If his voice could reach to the remotest part of the island, he might appeal to its whole population, who, as if they had been all the children of the same parents, were shedding the tears of affection and sorrow on the unhappy loss of the presumptive heirs of the British crown. In the face of all this evidence was it not the height of absurdity to consider that the ordinary laws were not sufficient to protect the government against a delirious rabble of unarmed men, coming up with a petition in their hands to lay at the Prince Regent's feet—a rabble, to use again the very words of the report, "whose objects were extravagant when compared with the means to give them effect, some of them throwing away their pikes even before the military appeared, the rest of them dispersing on the first show of force, their leaders being unable to rally them."—What will other nations think of our boasted laws, so famous for many ages, if we ourselves shall acknowledge that they are not even sufficient against a mob; and that according to the proposition of the noble duke who made the original motion, a bill of this kind must follow whenever the Habeas Corpus act shall be suspended, whatever might be the cause of its suspension, and without any proof of the necessity of either, but by the report of a committee of the ministers own selection, sitting in judgment on themselves.

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* See New Parliamentary History, Vol. 31, p. 1029, and 1077.

Let it not for a moment be imagined, that he meant to degrade the House of Lords. No words could express his respect for its judicial character, which had so long secured the reverence and affection of the people, and on that very account he was the more anxious that it should be preserved.

But, supposing, for the sake of the argument, that the extent and character of the insurrections had been sufficient to justify the temporary suspension which had expired, was such a bill as this, shutting out all evidence, and thus sanctioning all abuses in the administration of its severe provisions, an antidote to future discontents; a bill that went beyond all precedent in the principle of its preamble, and by one sweeping provision protected every kind of wrong; cancelling, without even the decent appearance of examination, all personal actions, suits, indictments, and prosecutions, brought or depending, or hereafter to be brought, and even all judgments already obtained, and all proceedings whatsoever against any person or persons on account of any act, matter, or thing, no matter whether honest or malicious, and all this not from the date when the Habeas Corpus was suspended, but going back, without any reason given, for the enlargement, to the very beginning of the year? Was this a remedy for disaffection? So far from its being a remedy, it was laying the very foundations of future rebellion and revolution. He could not indeed believe, and he thought it his duty to say so distinctly and boldly, that any people could long submit to be governed by a legislature that trampled upon every principle of the constitution, that bestowed its authority depriving them of all the securities which were the only rational consideration for allegiance. Parliament ought, therefore, to beware of going beyond the endurance of a free and an enlightened people, who could only be safely governed upon the principles of freedom. Our own glorious revolution was the best proof of the causes that might produce another. He would therefore support the motion for adjournment, and if it was overruled, as he expected, he should enter his solemn protest on the Journals of the House.

The *Lord Chancellor* said, he must take that opportunity of giving his reasons for supporting this measure. The indemnity bill arose necessarily from the suspension act. The suspension act went to the preservation of our laws and constitution, which laws and which constitution few individuals were more identified with than himself and his noble and learned friend who had just sat down. Of the adjournment he should speak afterwards; but he should now make a few observations in reply to the arguments of his noble and learned friend. And while he did so, he hoped his noble and learned friend would receive whatever might drop from him with that indulgence which he was always disposed to feel when his noble and learned friend addressed their lordships. It was allowed on all hands, that there were cases that required a suspension of the Habeas Corpus, and cases which were entitled to an act of indemnity. There had been many such cases. He had said at the time of passing the last bill of suspension, that an indemnity would follow it, and he had used that as an argument to awaken their lordships to a proper view of its importance. That act of suspension was a most important measure; but it was a necessary measure; and an act of indemnity should now follow it, as its natural consequence. It was now a century and a half since the Habeas Corpus act was passed, in the reign of Charles 2nd. It formed the great bulwark of our liberties, and the pride of our constitution. But that very act would have caused the greatest danger to the constitution, if parliament could not control parliament—if what was then enacted could not on certain emergencies be suspended. He was old enough to have more than once known this to be so. Since the reign of Charles 2nd, there were periods of danger which proved the necessity of occasional suspensions of the Habeas Corpus. His noble friend had read that part of the report which represented the great body of the people to have been sound, and triumphantly asked, if that did not prove the suspension to have been unnecessary? But he would ask his noble and learned friend, whether the great body of the people were not sound in the reign of William 3rd? Yet the suspension of the Habeas Corpus passed three times during that reign, and they were respectively followed by three acts of indemnity. The acts of indemnity then passed were in the same words as this bill, and they referred in like manner to individuals. The individuals were, indeed, of a different description; but the principle was the same. Those acts did not say that an indemnity was calculated to prevent inquiry into individual cases; they did not deny that there might be individual grounds of complaint; but they admitted that there were violations of law, and went to justify and cover them. If their lordships considered the principle of the suspension, they must be aware that it went to give powers, which, without an act of suspension, would be unjust. Those who acted under it, therefore, did injure individuals: but it was for the public safety, and from public necessity. Then surely, from the same principle upon which the suspension was necessary, it was necessary to take away from individuals the right of complaining or prosecuting for the exercise of it. But not only were acts of indemnity passed in the days of king William—those days that were spoken of as most favourable to the liberty of the people—but also in 1715 and 1746. In those two years, too, they were passed, if he recollected right, in the same terms with the present bill. The proceedings under the different suspensions were justified from the exigency of the juncture, and it was judged right, that a peaceable good subject should not prevail in an action for unjust imprisonment, where it was for the benefit of the country that he should not prevail. *Salus populi*, the public safety, the highest object of law, was the salutary principle of such measures. They now proceeded from 1746 to 1794. When the Suspension act was passed in the latter year, the exclamation was, "O, how can you suspend the palladium of our liberties, on account of the London Corresponding Society, and a few meetings at Sheffield?" Parliament did not, however, think so lightly of the matter. The legislature felt that a great portion of the lower orders of the people had imbibed most dangerous opinions. They perceived, that the people supposed they could do better without Kings, Lords, or House of Commons, and they rightly concluded, that such an opinion was more dangerous to the existence of the state, than the temporary suspension of any law. That act expired in 1795, and till 1798, no new suspension took place. In 1801, an indemnity bill was brought in. But, during all the intermediate period, from the expiration of the act to the introduction of the bill, not a single person thought of bringing an action, or commencing a suit. The moment, however, the indemnity bill was proposed in 1801, then all those who were previously silent—who had made no complaint whatever—came forward with statements of their grievances. But parliament thought an indemnity was due to those who were concerned in that great business, and they did indemnify them. Was it then to be contended, when the history of the constitution, at the period of the revolution, and ever since, acknowledged that to be a parliamentary proceeding, on which they were now engaged, that they were to adopt a new system, and, without sufficient cause, to depart from a long recognised practice? If the proceeding was allowed to be parliamentary, then the question narrowed itself into this—was there any thing in the petitions presented that should induce their lordships to adjourn the second reading of the bill for a fortnight? In his opinion, nothing should induce them to stay this proceeding, unless it was of such a nature as would authorize their rejection of the bill altogether. But, to call on their lordships to stop, at this moment, in order that, at the end of a fortnight, persons might come forward to fasten on individuals with contemplated complaints, was a proposition too unreasonable to be acceded to. What was the reason for suspending the Habeas Corpus act? It was not necessary for him to enter into that subject at all—still he would advert to it. Parliament agreed to the measure, after great and serious consideration. It was not passed on the recommendation of a secret committee, but on account of the report of a committee, which had not, in fact, offered any recommendation whatever. His noble and learned friend must here forgive him, if he said, that he had used language, in speaking of the committee, extremely unfit to be adopted when that committee was mentioned. If it was right to have the report of a secret committee, before the Habeas Corpus act was suspended, there were only two ways in which that committee, could be formed; and he contended, that the course chosen was the preferable one. It was a matter of indifference, whether they were to act from the report of a secret committee, with respect to a suspension of the Habeas Corpus act, or to an indemnity bill. In either case, the committee must be secret, because were it public, the persons who gave information to government would necessarily be exposed to their enemies. The committee must either be formed by open vote, or by ballot. The latter system had long prevailed; and he knew not why, except in compliment to those who seemed to think that the whole constitution of parliament ought to be changed, a different course should now be adopted.—He next came to the question, whether a suspension of the Habeas Corpus act was necessary? When noble lords said, there were only a few riots in the month of December, and a little heat arising from distress—when they argued that this was not a sufficient ground for the Suspension act, they left out of their calculation altogether the evils that were prevented by the adoption of that measure. He venerated the constitution of the country, and he did not like to risk the loss of the benefits it conferred; but, he was well assured, that, had not this measure been adopted, the loss of that constitution would have been risked, under which domestic happiness and public prosperity flourished to a degree unknown elsewhere. Those who were acquainted with the real nature of the danger which threatened the country doubted much, if decisive steps had not been taken, whether they would have been now expressing their opinions in that House. And he believed that, but for the measure so much decried, some of those who inveighed against it would have been in as unpleasant a situation as the individuals who supported it; because an open enemy was not quite so odious in the eyes of those who were opposed, as the secret one. When he made these observations, he begged to state, that, for many of those noble lords who were opposed to him in opinion, he had the highest regard; and he was sure that the noble marquis who moved this amendment, had often entitled himself to the thanks of that House and of the country, for the manner in which he had acted. But he would venture to say, that that man must have a very stout heart, who did not feel, in common with the great body of the people, in London and Westminster, a very great degree of alarm on the night when the Spa-fields rioters proceeded to acts of violence—an alarm which, he believed, would have been fully justified, had the subsequent meetings taken place. He would not say, that the persons who were active on that occasion were guilty of treason; but this he would assert, that, if they had not been placed before a jury of their country, those individuals, whose province it was to take that step, would have been guilty of a dereliction of their duty to the state. Let their lordships consider what would have been the consequence, if those who plotted insurrections at Nottingham and Derby had been suffered to join with the disaffected in the metropolis. Did those persons want a reform in parliament? They considered that as downright nonsense. They were for the overthrow of the constitution; they were for marching to their object through blood and murder; it was neck or nothing with them. This was fully proved by the evidence which terminated in the conviction of many of them. To the suspension, therefore, he thought the tranquillity of the country was more owing than to any thing else. That measure was not intended for any problematical effect; it was called for, and justified by the state of the country. It was mild, merciful, preventive of much disturbance and misery, instead of being the occasion of misery. If the noble lords near him were prepared to say, that if the petitions against indemnity were taken into consideration, they were ready to act upon them, he would not accede to their proposition. Their proposition would be entitled to more attention, if the principle of the present measure were such as any petitions which had been received, or which might be received, could possibly overthrow—if one or two petitions more could possibly make a case to prove that the bill of indemnity ought not to pass. The principle of the bill, however, was, that no redress ought to be given for unjust imprisonment under the suspension. If he, although innocent, had been taken up and confined on suspicion of treason, he should give way to the public safety; he should patiently bear the hardships of his fate for the good of his country. But the main ground of the measure was here—that ministers could not disclose the evidence on which they had acted. On this ground, the bill of indemnity was most reasonable. If an examination of those persons who gave evidence, was the object of those who opposed the bill, that was the very thing which could not be disclosed. If their object was the examination of those who complained, that was useless and beyond the purpose. A noble earl, for whom he entertained great respect, had, on a former night, expressed a wish that the depositions should be given without the names. Had that noble earl been in the profession in which he and his noble and learned friend were, he would have known that every one perceived at once, from the nature of the deposition, who it was that made it. He must then repeat the proposition, that the necessity of the suspension, and the safety of the country, precluded those who complained of sufferings under that suspension. This proposition he felt himself bound to state, although he felt great grief that such a proposition must fall from his lips. He should not go into the clauses of the bill, which related to magistrates and others, notwithstanding the expectation expressed by a noble lord on a former night, that he should obtain a solution of all his doubts from him. He concluded by repeating, that this bill was supported by precedents since the time of Charles 2nd, when the Habeas Corpus was passed, and that the practice of suspending the Habeas Corpus could not be given up without consequences that would strike at the root of our great and free country; great and free it never would have been, if parliament had not had the sense and the power to suspend its liberties.

Lord *Holland* said, he would not confine himself to the matter which his noble relative had introduced in proposing his amendment. So great a variety of topics had been touched upon, relative to the past and present state of the country, as rendered it almost impossible to address their lordships on this occasion, without wandering, in some degree, from the immediate question. Before, however, he replied to what had fallen from the noble and learned lord, he wished to state the nature, object, and motive of the bill then under their lordships' consideration; and whatever indignation he might feel with respect to the principle on which it was introduced, he would endeavour to describe it as dispassionately as he could. As far as he had been able to collect from documents, and from the speech of the noble lord at the head of the treasury, the reason for introducing the bill appeared tolerably plain. But he must say, that those who had spoken in support of it, had not stated the real nature of the measure. The noble and learned lord, with all his legal knowledge, and no man possessed more, had aimed rather to entangle and puzzle the subject, than to illustrate it; and the noble duke who brought the bill forward, had proceeded most curiously. The noble duke had stated, before the bill was introduced, that it was "commonly called" an Indemnity bill. Now he, for his part, could not conceive how it could be so named, before it had been agreed to by the House; and he must leave it to those who had so long sat in the committee, hatching this portentous egg (and who, after all, could give no reason for it), to explain this circumstance. He recollected reading, in a Spanish author, and also in a work of a very popular author in this country, he meant Sterne's Tristram Shandy, a long dissertation, "how far it was lawful and practicable to baptize a child before it was born." The noble duke appeared to have applied himself very successfully to those works, and had actually baptized the measure before it could be said to have seen the light. He had told their lordships what its title was—by what title it was commonly known—before it came regularly to that House.

Let the House, then, examine what the bill before the House really was; what was its purpose and effect; and how it bore on the allegations by which it was supported. If these allegations were well founded; if what was said to justify the present measure was true; if ministers had only done their duty under the suspension act; if they had arrested no person but upon oath; if they had not measured out against their victims a greater measure of severity than circumstances warranted; if, in short, they had not exceeded their powers, and committed injustice under pretence of preserving the laws and constitution of the country, with the care of which they were entrusted, then they had no need of a bill of indemnity. Indemnity was only necessary in cases where law would yield no protection; but where there had been no oppression, there was no breach of law, and consequently, no use in the present measure. If an indemnity bill, as had been mentioned by the noble duke who introduced this measure, was always to be a corollary, as he called it, to a suspension act, then it would follow that any just exercise of the powers conferred by the latter must necessarily be an excess; or, in other words, that an act of parliament could not be executed without being abused. This argument of the noble duke appeared to him to cut double, and therefore was as dangerous in his hands as if it were used against him.—But other noble lords opposite had defended the bill before the House on different grounds. They said it was necessary to protect the government against suits or actions instituted to recover damages by those whom they had oppressively arrested and detained; because, in allowing legal proceedings to go on against them, it would be necessary for their own justification to disclose the information on which they had acted. What was this but stating in other words, that the noble secretary of state for the home department, who, in his zeal for the protection of the constitution, or in his alarm for the public safety, might have been led to commit acts of individual hardship, which his opinion of the exigency might to a certain extent excuse, if not justify, stood in no need of indemnity; but that his informers must be protected against the consequences of their falsehoods, their calumnies, and their delinquencies? What was it but saying that the horrible miscreant, Oliver, must not suffer the reward of his crimes; that the shield of power must be held before this vile wretch; that in elevating this shield for his protection, the victims of his atrocious arts and frightful iniquities were to be left without redress, to pine under the effects of his machinations; and that all law and justice were to be trampled underfoot, lest their retributive force should extend to him condign punishment, or expose him to merited infamy? [Hear, hear!]

But the noble and learned lord had said, that he had voted for the suspension act in 1795, which was repealed in 1797; and that, though the liberty of England was thus destroyed for two years, and the subject was left at the mercy of the executive, no action was instituted for any abuse of power exercised under the act. The noble and learned lord had then detailed other precedents to justify the late suspension, and the present indemnity bill; but, in his opinion, those proceedings did not apply. He had alluded to the precedent in king William's time, and had mentioned that that was a period when the government could not be accused of wishing to exercise power at the expense of justice, and yet that a bill of indemnity had then passed. But it ought not to be forgotten, that though the government of that prince was in general wise and just, he was surrounded by a party who, in their zeal for the Orange interest, had exceeded their powers. The noble and learned lord had stated, as a justification of the late suspension act when the great body of the people were professedly sound, that the same act had passed in William's reign, when the whole country were actuated by sound principles. The latter part of his statement could not be admitted without considerable limitations; for though the majority of the nation was in favour of government, there was a very powerful and a very active party, who supported the rights and were zealous to restore the sway of the abdicated monarch. The periods of 1715 and 1745 were equally dissimilar to the present, and the precedents taken from them equally inapplicable. At both these times there was a civil war in the country; great parties headed by men of influence and distinction, were arrayed against the then existing government; and if, as the noble and learned lord had truly said, the *salus populi* was the *suprema lex*, it was necessary to consult that safety by suspending the ordinary laws. The noble and learned lord, in returning to the enactment of the Habeas Corpus in the time of Charles 2nd, had not, he thought, treated that great bulwark of our liberties, with sufficient reverence, or stated with sufficient force, the importance and necessity of the circumstances which would justify its suspension. A royal author (James 2nd) whose writings on the subject were very objectionable and dangerous, had, in a letter to his son, treated this precious law with great levity, and had expressed a doubt about its importance or utility. The noble and learned lord had not gone this length. He had praised the law itself; but he seemed, from his language, to think that it was "more honoured in the breach than in the observance." The noble duke who introduced the present measure, and other noble lords who had defended it, had stated, that a bill of indemnity always followed, as a matter of course, the exercise of the powers granted by the suspension act, and those who approved the latter could never object to the former. This statement was neither correct in principle, nor consistent with fact. He could quote authorities in support of a contrary doctrine. The late Dr. Laurence, a man of great talent and political energy, had vigorously supported the suspension acts of his time, and as vigorously (as he could do nothing without energy) opposed the bill of indemnity which followed. At the period of 1801, he remembered the noble and learned lord had supported the bill of indemnity, on the ground that the person who had given information might be in the power of the enemy, and therefore that their names ought not to be disclosed. No pretence of this kind could be now advanced. The informers under the late suspension act were in no danger from an enemy; they would only be left as they ought, by a disclosure of their names and testimony, to the execrations of their country, and the burthen of their own infamy. In citing precedents in their favour, one of the noble lords opposite had alluded to the bill of indemnity that passed the Irish parliament in 1798, and had said that posterity would judge of its necessity and justice. The judgment of every impartial man who was acquainted with the circumstances had already decided against that iniquitous act. One of the greatest lawyers and ablest politicians which Ireland had produced, had loudly declared against it. The late lord Avonmore (better known as chief baron Yelverton) had said from the bench, that the oppressions suffered under the Suspension act ought to have been redressed. After having mangled the limbs of a man without trial, and without proof of guilt, it was a horrible crime to deny him redress, by passing an act to protect his persecutor. Lord Avonmore regretted, when the action was brought before him, that the Indemnity act stood in the way of the redress which his sufferings demanded. That venerable judge, whose extensive learning, elevated views, and incorruptible integrity, entitled him to a comparison with any man that ever sat upon the bench of justice in any country, expressed himself in very decisive terms upon this subject, on the trial of an action brought at Clonmel assizes, in the Spring of 1798, by Mr. Francis Doyle, against the notorious sir Thomas Judkin Fitzgerald. The following were the words of this respectable judge in his charge to the jury upon that occasion:—"This, gentlemen, is an action brought to recover damages from the defendant, colonel Fitzgerald, for an act admitted to be against law. If, therefore, the acts of indemnity which have been cited to you had not passed, no damages, that you could give, would be too great. Much, gentlemen, has been here spoken respecting loyalty: and, lest the clamours of pretended loyalty should drown all considerations of justice, it is incumbent on me to inform you what loyalty is, and in what true loyalty consists. Loyalty is another term for legality; and he who acts with legality, acts in strict conformity to the laws. That man, therefore, is to be esteemed the most loyal, who is a steady and faithful adherent to his lawful prince, and a strenuous supporter of the established constitution, by paying due obedience to the laws of his country, respecting social order, and preserving every member of the state in his just rights and possessions. You must find that the defendant acted maliciously, and not with an intent of suppressing the rebellion or saving the state, according to the words of this act, which places an insuperable bar between injury and redress, and sets all equity and justice at defiance." The noble and learned judge executed the law, though he bitterly lamented that it was necessary for him to be the instrument of executing it, and the defendant was in consequence refused the redress to which he was entitled. Lord Avonmore was not only a man of great talents, but of great independence and respectability, though reports to his prejudice had gone abroad respecting his conduct in regard to the union. But the reason why he so strenuously supported that measure was to be found in the conduct of that parliament which had passed the acts which he so bitterly lamented and so severely condemned; a parliament that had executed such atrocities, that had rendered itself the instrument of iniquitous acts, did not deserve his favour or respect; and though he knew he was destroying the theatre in which he had made so distinguished a figure, where he had earned his greatest honours, he would rather agree to its extinction than prolong its existence after such a dereliction of principle and justice. If such were the motives of this great man in consenting to the loss of the independent legislature of his native country, what must be the sentiments of the people of this country, when they see their liberties and rights destroyed by similar acts.—Lord Holland said, he had no love for the mad schemes of reform that had been so zealously advocated, and so clamorously demanded; but bills of the kind now before the House, if passed to bar the oppressed from redress, would do more mischief than all the elaborate blunders of major Cartwright, or the coarse invectives of Mr. Hunt. The noble and learned lord had feelingly described the alarms of November, 1816, and had passed an eloquent and just eulogium on the powers and influence of parliament. Why, then, was he one of those who had advised the throne to adjourn the meeting of parliament so long? Why was it not convoked till the mischief was past, till the Spa-fields riots had taken place, and till an account of the execution of the plots could be given, instead of measures proposed to prevent them?

He did not wish to go through all the reports of all the secret committees; but let any one read the two first, and then consider the state of the country as represented in the last, and lay his hand upon his heart, and declare whether the dangers were not greatly exaggerated. But the ministers said, the Suspension of the Habeas Corpus act was the cause of the re-establishment of tranquillity; and though they allowed that it gave them no powers to put down insurrection, except the right of detaining a few wretched individuals, against whom they had charges which might have been prosecuted to conviction, they attributed the whole change to that measure. Whether there was insurrection or not, their acts of power and oppression were declared to be useful and necessary. The noble duke who had introduced the present bill, had treated the subject rather lightly, by saying, that the government, under the Suspension act, "had merely abstracted a few individuals, for a time, from society." So then, said lord Holland, you take men from their family, friends, and employments; you immure them in dungeons; you doom them to solitary confinement for months; you expose their persons to every species of hardship, and their characters to every kind of suspicion, and you call this "only abstracting a few individuals from society." This expression, he must confess, gave him great pain. He heard it, indeed, with astonishment, from the known humanity and mild disposition of the noble duke. For he was not prepared to expect, that the imprisonment of a number of our fellow subjects, secluded even from any intercourse with their families, who were, perhaps, deprived of subsistence, if not absolutely ruined by the event, would be spoken of with such levity by any member of that House, and especially by the noble duke. But this levity served to show the ill effects of the measure alluded to, in betraying men, step by step, into an easy reconciliation with arbitrary power, and its consequent injustice [Hear, hear!]

He did not desire to dwell upon the various circumstances which served so seriously to aggravate the late suspension of the Habeas Corpus act, but he could not forbear observing upon the evil effects but too likely to result from the example of the noble secretary of state, in exercising the powers with which he was invested by that measure. For when it was known throughout the country, that a noble lord, usually so remarkable for moderation, had employed, and been influenced by, informers of the vilest character, the operation of that knowledge upon futurity, was not the only evil to be apprehended. When it was understood that the noble lord had engaged such instruments as Oliver and Castles to provide for the safety of the state (for so he described it), was it not but too probable, that the magistrates who looked up to the noble lord, would be apt to employ similar persons, for the purpose, as they would say, of preserving the peace and preventing poaching, or upon other specious pretences? Thus, indeed, was the system of espionage with all its concomitant evils of dissention and disunion likely to be spread throughout the empire. The mischiefs to be looked for from such a system he need not delineate. It would be superfluous to point out all the ramifications through which the poison of such an example might spread, destroying private confidence, corrupting the honest feelings of the people, and setting one class of men, or one part of the population of the country, against the other. The example of France was often on other occasions referred to, as a warning; and their lordships would do well to consider the evils which had arisen in that country from that source of corruption to which he now wished to direct their attention. Let them look to the description given lately of the state of the population in Lyons and its neighbourhood. If a proper opportunity were offered, he would pledge himself to prove, that so far back as 1812, a similar system of espionage and dissention had commenced in this country. He alluded to the districts about Bolton and Manchester, where orange clubs were established, where spies had been for some years employed, and from whence much of the information on which the government had lately proceeded had come. If the noble and learned lord cited the precedent of the reign of William 3rd, in justification of the late measure of the Suspension and the present bill of Indemnity, might not the example now furnished be likewise soon established into a valid precedent? The noble and learned lord called the late measures, measures of necessity; but when would ever a statesman, who wished the possession of arbitrary power, want the plea of necessity to justify his demand? The sufferings of the individuals lately imprisoned required consideration, even independent of the pernicious effect which the example of denying them redress would have on posterity. Let the House consider the ruin into which arbitrary arrest and confinement had thrown them. After being injured in character, and ruined in circumstances, the present bill proposed to take from them that just redress, to which they had as good a title as their lordships to their rights or their estates. Suppose these persons were to institute actions, then, it was said, the noble secretary of state must disclose the information on which he acted. What would be the evil of this? Was the existence or the welfare of such wretched and detestable persons who had become informers, and who refused to openly support their evidence, necessary for the existence of the state? If they suffered by such disclosure, a little remuneration would reward them for their infamy, and pay them sufficiently for that loss of character which was of so little value. The wretch to whom he had alluded in Ireland, was so indemnified, and now bore his infamous honours. On the broad principle of justice and right he called upon the House to throw out the present bill, and allow the injured men to seek their redress.

Lord *Sidmouth* began by observing, that he was not the person who could properly enter upon a discussion, the object of which was to indemnify him for the way in which he had performed the functions committed to him. But he had a motive for rising, quite distinct from any personal considerations. He must, in the first place, say, that those who conceived that he asked for this bill, in order to preclude himself from the necessity of disclosing the information which had come before him, completely mistook his purpose and his character. The individuals who had trusted their names to his confidence, might have felt perfectly secure, even if this bill were not passed; for no consequence which might involve his own liberty, property, or reputation, would ever have induced him to betray them. But then, the noble lord who spoke last, had asserted, that the bill was not intended as an indemnity for the secretary of state, but for an individual upon whom that noble lord had, in a few words, heaped more abuse than he had ever heard uttered against any one man. But he would tell that noble lord, that he was mistaken in his opinions respecting that individual; the bill did not concern him in any manner whatever; he had done nothing which could possibly make such a bill necessary for his security; no person had been apprehended in consequence of information from that individual, nor had any steps been taken at his suggestion, or arising out of his disclosures. The noble lord had poured out a great deal of indignation against that individual, an indignation which was perfectly natural and honourable, on the supposition of his having done what was imputed to him, but which was, in fact, totally unfounded and unjustifiable. But the noble lord, not content with venting his indignation against an informer, had gone farther, and vented it on a body which had hitherto been unimpeached. He had drawn a most degrading picture of the character of the magistracy—of that useful body of men, who were the main pillars of the internal strength of the country, and without whose co-operation the public tranquillity could not be preserved. These men did not deserve to be treated with that levity which the noble lord had employed against them: he did not accuse the noble lord of any wish to degrade them, but his manner had certainly that tendency [No, no, from lord Holland]. On the subject of spies and informers, that noble lord had held such language, as he was sure he could not have held had he been placed in an official situation. At the same time, he gave the noble lord perfect credit for consistency. In saying this, he meant no disrespect—for admiring, as all must, the talents of that noble lord, and prizing, as all did, his personal qualities, it was impossible for any administration not to regret that he should differ from them, and withhold his sanction—yet he must say, that the noble lord and some of those who sat beside him, had a claim to the character of consistency on one ground at least, which was, that they had never, on any occasion, supported any one measure which the wisdom of parliament had thought necessary for the safety of the country. As to the system of espionage, he disdained it as much as any man; he abhorred, with all his heart, whatever tended to shake the confidence of the private dwelling, or weaken the bonds of social intercourse between man and man; but when he was placed in that situation that an opportunity of saving the country from insurrection was presented to him, by means of an informer, could he, as an upright minister, could he as an honest man, reject such information? He only wished that he could, consistently with his duty, disclose what had been communicated to him: above all, he wished he could disclose what had passed between him and Oliver. He had, indeed, made a full disclosure to the secret committees of both Houses of Parliament; so full, that he was not aware of a particle that was not in their possession. He wished that it were consistent with propriety to make an equal disclosure to the country generally, that he might state what related to Oliver, and show how much the public were mistaken in that man's motives and conduct.—As to the question of the treatment of the prisoners, the noble and learned lord opposite had gone too far, when he asserted, the he (lord Sidmouth) must be conscious of at least one instance of injury inflicted on some innocent person, or he would not ask for a bill of indemnity. He could broadly and conscientiously say, there was not a single case of imprisonment, which, in his own mind, or in the minds of any of those who had officially advised it, produced the slightest feeling of self-reproach; there was not one individual apprehended, against whom he would not proceed in a similar manner, under similar circumstances. The accounts of their treatment, as furnished by the prisoners themselves, were full of the grossest misrepresentations and falsehoods; and he could enter into particulars which would convince the House, except that they did not concern the present discussion. He would not, therefore, touch upon them: indeed, his chief object in rising had been to state, that Oliver, the individual so often alluded to, could not come within the scope of the present bill; for he had done nothing that required forgiveness or indemnity; and he defied any noble lord to say, that he had made use of Oliver in any way repugnant to strict honour, or to strict law; or that he had exercised any of his official functions in any way injurious to the sound principles of the British constitution.

Lord *Holland* denied that he had passed any such sweeping censure on the magistrates as had been imputed to him. His argument was simply this: that as ministers had openly encouraged the busy, meddling activity of spies and informers, and as magistrates were merely men and actuated by human motives, it was possible that one consequence of the system adopted by ministers might be, that some magistrates out of a vast number would be induced to act with more zeal than discretion; with more anxiety to please the government than to keep within the strict limits of their duty. The noble viscount could not pretend to say that such an effect had not been produced on some magistrates.

Earl *Grosvenor* said, that nothing had occurred which could justify the suspension of the Habeas Corpus act. There was nothing that might not have been left to the ordinary laws of the country. The noble viscount might be, and perhaps was, satisfied with his own conduct, but his self-opinion furnished no sufficient reason for the satisfaction of the House generally; the grounds of that self-approbation must be better explained before the House could ratify it by their sanction. The noble viscount had defended Oliver, and not without cause; for, if Oliver should turn out to have been guilty of the acts imputed to him, then the noble lord himself would be answerable for the conduct of his agent, on the common principle of "Qui facit per alium, facit per se." But he would not at that late hour, discuss a subject which might be discussed at another time, but should content himself with expressing his decided approbation of the motion of his noble friend.

The Earl of *Carnarvon* said, that he could not be content with a silent vote. The noble viscount had commenced his speech by disqualifying himself from taking part in the present discussion, and had fairly avowed what was the fact, that he could not with propriety advocate a measure which was so personal to himself; this was a very correct view of the subject, and he trusted that the noble viscount would carry it a step farther, and would give no vote on a matter so extremely personal [a laugh, and hear, hear!]. But he should like to know when and how the noble viscount had arrived at this just opinion; for he could not but recollect that a few days ago that noble viscount had appointed himself to sit as judge on his own conduct, in conjunction with certain other judges, all chosen from a list furnished by himself. Since the appointment of that committee, several petitions had been laid upon their lordships' table; and he could not but think it a peculiarly hard case, that these petitioners could procure no hearing before the House, and that now they were also to be shut out from all redress before the ordinary tribunals of their country. But what was scarcely less hard was, that the noble viscount should, in the very face of these facts, get up and declare to the astonished ears of their lordships, that he had laid before the secret committee *all* the evidence that could be procured—*all* the circumstances of every case. The noble viscount had forgot—but would the House forget—that he had a very few days ago refused to lay these petitions before that committee. When he (lord C.) first laid the petitions on their lordships' table, with a desire to make a motion on the subject, he was told that such a proceeding was premature, and that delay was required. Well! after the interval which had been begged of him, he brought forward his motion, but was then told that the committee were about to make their report, and that such additional information would only puzzle and distract them. And now that a report was made, and a bill of indemnity, its usual consequence, was brought in, it was said, the subject of the petitions should not be alluded to—it was quite irrelevant—it was too late. But he did not think it irrelevant: he did not think it was too late. For what was the question before their lordships? Was it not whether ministers had abused, or had not abused, the powers intrusted to them? and was it not fitting that all cases of alleged abuse should be strictly inquired into by that House, before their lordships proceeded to shut up the tribunals of justice against the petitioners, and through them against the people of England? The noble viscount seemed to consider that the great object of the Habeas Corpus Suspension act was to detain persons in prison whom they never had the least intention of trying; in other words, that it was its object to erect in every county a bastile for persons who were obnoxious to ministers. He would tell the noble viscount, that this was an erroneous view of the subject, and he doubted whether their lordships would ever have given their consent to such an act had ministers avowed such an object. He would not now trouble the House any farther. He should have a better opportunity when the details of the bill should come before their lordships; or when its terrible principle should, as he hoped it would, be again discussed. But he would now conclude by impressing on their lordships, that on their conduct in this business depended the character of their lordships, the character of the ministers, nay, the character of the injured Oliver himself [a laugh, and cries of Hear, hear!] for against him as well as against the unfortunate complainants, whose petitions lay scorned and unheeded upon their table, would this bill of indemnity block up all the avenues of legal redress.

The question being then put, That the word "now" stand part of the question, the House divided:

Contents, 56; Proxies, 44 . . 100
Not Contents, 15; Proxies, 18 . 33

Majority 67

The Bill was then read a second time.

List of the Minority.

Present.
DUKES
Sussex
Devonshire
MARQUESS.
Landowne
EARLS.
Cowper
Caernarvon
Grosvenor
Rosslyn
Besborough
Lauderdale
LORDS.
Holland
King
Foley
Grantley
Auckland
Erskine

Proxies.

DUKES.
Bedford
Argyle

MARQUESS.
Downshire

EARLS.
Suffolk
Essex
Derby
Albemarle
Darlington
Thanet
Jersey
Waldegrave
Grey
Ilchester
Kingston
Spencer

VISCOUNT.
Anson

LORDS.
Sondes
Alvanley.

HOUSE OF COMMONS.
Friday, February 27.

PETITION FROM CORK COMPLAINING OF THE INCREASE OF POVERTY.] Colonel Longfield presented a Petition from the mayor, sheriffs, and several inhabitants of the city of Cork, and its vicinity; setting forth,

"That the Petitioners beholding the daily increase of poverty among the inhabitants of that city, arising from want of employment, which has unhappily induced its necessary consequences, disease and misery, and knowing that similar evils are felt in every part of Ireland, approach the House to state the calamitous situation in which that country stands, and to call upon the House to protect them from that ruin into which all ranks appear to be fast sinking; the petitioners have to deplore the want of sufficient encouragement to their manufactures, the difficulties which stand in the way of agriculture, and the absence of a majority of the nobility and gentry, who receive the produce of the soil, and spend it in other countries; the petitioners shall not presume to dictate to the House in what way their sufferings can be best alleviated; but, as they principally trace them to want of employment for their superabundant population, they would beg most humbly to suggest the propriety of some legislative enactment respecting the non-residence of the nobility and gentry, the encouragement necessary for the increase of their manufactures, the formation of canals, the working of mines and fisheries, the more profitable tillage of land, the construction and repairing of roads, and such other means of employment as the House may think proper to devise; the petitioners would also earnestly solicit the attention of the House to the means of extending the benefits of education to all classes of the community as the best corrective of human depravity, and the most efficient moral engine of state; the petitioners most fervently beseech the House to take the case of Ireland into their early consideration, and to reflect on the urgency of the circumstances under which the petitioners address them, disease making rapid strides through all classes, and no prospect of its decrease, while so large a portion of the population are unemployed and continue in a consequent state of poverty and wretchedness."

Sir *N. Colthurst* said, he felt it due to the extreme respectability of those who had signed the petition, and the importance of the subject, to move that it be printed, and he trusted it would receive from the House that attention to which it was entitled.

The petition was ordered to be printed.

PETITION FROM THE CORPORATION OF LONDON COMPLAINING OF THE OPERATION OF THE HABEAS CORPUS SUSPENSION ACT.] Mr. Alderman Wood presented a Petition from the lord mayor, aldermen, and livery of London, in common hall assembled; setting forth,

"That the Petitioners have viewed with the deepest concern the continual encroachments that have been made upon the rights of the subject; they have been called upon to make sacrifices without bounds, and to submit to burthens and privations without example; they have evinced the utmost patience, fortitude, and forbearance under their sufferings, under a persuasion that upon a return of peace they should have witnessed a disposition, on the part of his majesty's government and the House, seriously to inquire into the cause of their sufferings, and to redress their grievances, to diminish their burthens, and to make such necessary reparations in the constitution as would remove the numerous and deeply-rooted abuses, and restore it to full vigour and energy; in all these expectations the petitioners have been unhappily disappointed, and, instead of seeing realized expectations so reasonably founded, at a moment of unexampled distress, when they were representing their grievances to the House, no redress was afforded them, nor were their complaints inquired into, but, upon unfounded alarms, raised and fomented by the hired emissaries of ministers, and for the purpose, as they believe, of stifling the complaints of the people and protecting abuses, and upon no other evidence than the partial documents furnished by ministers to secret committees, the great pillar of the constitution, the Habeas Corpus act, was suspended; that, as the grounds and pretences for such a measure, and in a time of profound peace, were without precedent, so they believe is the wanton arbitrary, oppressive, and vindictive proceedings of ministers without example in the annals of the country; the petitioners will not detail these oppressions, many of the facts have already been stated to the House, and are generally known; but, while they forbear to dilate upon the cruel and vindictive imprisonment and prosecutions of numerous individuals, which have ended in the defeat and disgrace of ministers, the petitioners cannot forbear expressing their decided impression that in the instances where convictions have taken place, those unhappy and deluded men had been led into the commission of crimes through the agency of those infamous and abandoned emissaries who had been employed; that they are farther convinced that the existing laws are fully adequate in those cases, and that, by due vigilance, those acts which led to the forfeiture of the lives of those unhappy individuals, might have been prevented; the petitioners submit to the House, that the justice of the country, and outraged feelings of the people, demand a full, impartial, and rigid inquiry into all the proceedings of ministers, both in obtaining and under the late Suspension act: that no inquiry before secret committees, composed partly of those ministers and placemen, can promote justice or satisfy the nation, and must lead to an inevitable conviction that those, who ought to be the guardians of the property, the liberties, and lives of the people, are guided by other motives and considerations than the welfare and honour of the nation; the petitioners therefore humbly pray, that the House will immediately institute a full, impartial, and rigid inquiry into the conduct of ministers, and all the proceedings in obtaining and under the late Suspension of the Habeas Corpus act, and that the said inquiry may be referred to such committees as are composed of such members only of the House as hold neither places nor pensions under the government, and that the House will not pass any bill of indemnity, nor preclude those who have been the victims of oppression from making an appeal to the legal tribunals of the country.

Mr. Alderman *Wood* said, that the Hall in which the petition was agreed to was one of the most numerous he had ever witnessed, and that only four hands had been held up against the petition.

Sir *W. Curtis* observed, that all he had to say was, that he had attended the hall in question, and that he disapproved of every word of the petition.

The petition was ordered to be printed.

PETITIONS FROM SAMUEL BAMFORD, ELIJAH DIXON, AND ROBERT PILKINGTON, COMPLAINING OF THE OPERATION OF THE HABEAS CORPUS SUSPENSION ACT.] Mr. Bennet presented a Petition from Samuel Bamford, of Middleton, Lancaster; setting forth,

"That at dusk on the 11th of March, 1817, a young man was introduced to the petitioner by Dr. Joseph Healey at Middleton aforesaid: that the said young man stated himself to have been deputed by some persons in Manchester, to propose to the Petitioner and the rest of the Middleton reformers, the burning and sacking of Manchester aforesaid, the storming of the Barracks and New Bailey prison, and the liberation of the blanketeers confined in that place; that the above proposal was by the petitioner rejected with horror, and the petitioner, considering the young man as an innocent dupe to some spy, urged him by every legal, humane, and honourable consideration to have nothing more to do with the business; that the young man appearing affected, promised that he would never more propose such a thing to any person, and he shortly afterwards returned to Manchester, on his way to which place he told a person who accompanied him a short distance, that one Lomax, of Bank Top, in Manchester, was one of the persons who sent him to Middleton; that notwithstanding the above demonstration of the petitioner's reverence to the laws of his country, of his love to the principles of humanity, of his abhorrence to rapine and plunder, the petitioner was, on the morning of the 29th of March, arrested on suspicion of high treason, by authority of a warrant signed by the secretary of state for the home department; that the petitioner was, by the deputy constable of Manchester, handcuffed like a common thief, and by the said deputy escorted by a party of the king's dragoon guards, conveyed to the

New Bailey prison in Salford, where he was put into a common cell, in which were four other persons who were charged with felony; that the petitioner frequently requested the governor and turnkeys to let him have a blanket to shelter him from the intense cold, but that the petitioner's request was not attended unto; that on the following morning the petitioner was, with seven other persons, heavily ironed, and put into a stage-coach, in order to be conveyed to London; that the petitioner was accordingly, in company with the above seven persons, conveyed to London, by two king's messengers and two police runners; that on the night of the petitioner's arrival in London, when he retired to rest, he was chained in bed to two other fellow prisoners (Healey and Lancashire); that on the 1st of April, the petitioner was taken to lord Sidmouth's office, at Whitehall, when lord Sidmouth informed the petitioner, that he was arrested by virtue of a warrant signed by the said lord Sidmouth; that afterwards the petitioner was taken to the House of Corection in Cold Bath-fields; that on or about the 8th of April, the petitioner was again examined by lord Sidmouth, who repeated to him the aforesaid charge, and that the petitioner in his defence affirmed, that no just ground of suspicion could exist against him, for that instead of having done, or encouraged to be done, any thing of a treasonable nature, his conduct had always been the reverse; the petitioner at the same time acknowledged himself to be a reformer, and did then, as he still does, take credit to himself for so being, but strenuously denied having ever recommended violence in the accomplishment of a reform; that during the month of April the petitioner was frequently examined, at one of which examinations, lord Sidmouth questioned him respecting his knowledge of a person named Lomax, whether the petitioner was ever in company of said Lomax, upon what occasion the petitioner was in company of said Lomax, and what was the subject of discourse during the time the petitioner was in said company, to all of which questions the Petitioner answered simply and truly, whereupon lord Sidmouth observed, "This cannot be the man," or words to that effect, for the petitioner had understood lord Sidmouth as having alluded to a near neighbour of the petitioner's, residing at Middleton; but when the petitioner in his prison room began to reflect upon every circumstance, he saw the improbability of his former conjecture, and was convinced that lord Sidmouth meant one Lomax, who resided at Bank Top at Manchester, and who, after the arrests which took place at that town, was recognized by the whole country as a spy in the pay of the police, the same Lomax, at whose instigation the young man, mentioned in the beginning of this petition, proposed to the petitioner the burning and sacking of Manchester, which proposal was rejected by the petitioner as before stated; that on the 29th of April, the petitioner was liberated from his confinement in Cold Bath-fields prison, and was allowed *3l.* to carry him home to Middleton aforesaid; that from the foregoing circumstances, the petitioner ventures to express confidence, that the House will perceive the extreme probability of the petitioner's arrest having taken place in consequence of false information furnished by the aforesaid notorious Lomax; but that whatever may be the opinion of the House respecting this conclusion, they will not fail to express that strong feeling of indignation and abhorrence which ought always to animate the guardians of the lives and liberties of Englishmen, when, as in the case of the petitioner, their lives are basely endangered and their liberties violated; wherefore the petitioner prays that the House will no longer countenance a system of terror, of blood, and of oppression, by granting to his majesty's ministers a bill, indemnifying them from the consequences of the numerous outrages by them committed against the constitution of this realm."

Mr. Bennet also presented a Petition from Elijah Dixon, of Manchester; setting forth,

"That the Petitioner was, on the 12th of March 1817, whilst following his lawful occupation, apprehended by a warrant issued by lord Sidmouth, and carried to London in double irons, and was on the 15th of the same month committed to Tothil-fields bridewell, by the same noble lord, on suspicion of high treason, and there detained till the 13th of November, although the same noble lord must, or might have known, that he was perfectly innocent of the crime imputed to him; the petitioner therefore prays, that the House will be pleased to consider the justice of making the said noble lord responsible for the loss of time of the petitioner, and for the injuries which his family has suffered, in consequence of his long, unjust, and unredressed imprisonment; he also prays, that they will be pleased to adopt such a reform in the election of members to serve in the House, as shall give each man a feeling sense that he is really represented, and enable him once more proudly to boast of our glorious constitution, in King, Lords, and Commons."

Mr. Bennet also presented a Petition from Robert Pilkington, of Bury, Lancaster; setting forth,

"That on the 18th April, 1817, a king's messenger, attended by three special constables, entered his house, demanding his attendance, and, when he disputed the authority of these intruders to seize on his person, the only authority they exhibited was, the gorget of the messenger; this he considered insufficient, but was under the necessity of submitting, as one of the messenger's attendants seized him by the collar of his coat, and dragged him from his family, which consisted of a wife and six small children, with whom he was about to retire to rest; and when he remonstrated with the messenger's attendants on being conducted in so brutal a manner (reminding them that he had not attempted to escape), only oaths and imprecations added to the disgraceful scene; he also charges these unlawful visitants with robbing his house of a number of papers and publications; also, when he was loaded with irons and seated in the mail, he heard the deputy constable of Manchester say to his emissaries that were to attend the petitioner, that he would give them five pounds if they could hang him; the petitioner hopes that the House will not suffer such violations of decorum in its officers of peace without manifesting its displeasure; after the petitioner arrived in London, he was three times conveyed to Whitehall, and twice given to expect an examination and twice disappointed; at first these officious gentlemen affected not to have sufficient information, and, when this twice-promised examination came on, he had to endure the mortification of only hearing declarations without foundation, without one word or act being specified that he had said or done, and without being asked one question; after this mock examination, he was committed on suspicion of a crime of which he was not guilty, and has had since to endure the torture of solitary incarceration for upwards of seven months, without being permitted to walk in tke open air for a single hour; and in opposition to a positive declaration of lord Castlereagh in the House, his wife had been refused the privilege of seeing him during his confinement in Manchester, and that two gentlemen of respectability had met with the same denial from the governor of Surrey gaol; that, in consequence of his late imprisonment, his family has had to endure sufferings too complicated for this statement; his house has been broke up, and his family necessitated to enter the workhouse, and have there been treated in an inhuman manner; although his oldest child was then only eleven years of age, two of them, and his wife, have been confined in the workhouse dungeon, one has been in irons for three days, one has been confined a night and a day without meat, or even water to drink, with many other abuses; and when this inhuman governor was remonstrated with respecting his conduct, he had the audacity to say he had received orders how to treat them; the petitioner now hopes that, after suffering in his mind, body, character, and family, the House will not preclude him, by any bill of indemnity, from obtaining a just redress by virtue of the law of the land; but, should they pass a bill that will indemnify all those that have, under the auspices of government, committed their ravages on society during the suspension of the Habeas Corpus, to the injury of individuals and to the ruin of families, it may be assured that both law and legislators will cease to possess that respect originally paid to the British House of Commons and its admirable laws; the petitioner is of opinion that there are traitors of the blackest hue; if he be one, he refuses not to suffer; and, except the House enters into a rigid inquiry for the pnrpose of bringing them to condign punishment, the petitioner is convinced that it must in the sight of God, and injured society, be guilty of all the flagrant enormities that have taken place during the suspension of its own laws; the petitioner, therefore, for the honour of the nation, the welfare of society, the punishment of offenders, and the redress of injured innocence, hopes the House will possess its original dignity, in honestly, manfully, and courageously refusing to pass a bill that will indemnify villains who have committed notorious depredations with impunity."

The petitions were ordered to lie on the table, and to be printed.

REPORT OF THE SECRET COMMITTEE ON THE INTERNAL STATE OF THE COUNTRY.] Mr. Bathurst presented the following

REPORT.

The COMMITTEE OF SECRECY, to whom the several Papers, which were presented (sealed up) to the House, by Lord Viscount Castlereagh, on the 3d day of February, by command of his Royal Highness the Prince Regent, were referred, and who were directed to examine the matters thereof, and report the same, as they should appear to them, to the House; —Have agreed upon the following Report:

The first object of your committee, in examining the papers which have been referred to their consideration, has been, to form a just estimate of the internal state of the country, from the period when the Second Report of the Secret Committee, in the last session of parliament, was presented, to the present time.

The insurrection, which broke out in the night between the 9th and 10th of June, on the borders of Derbyshire and Nottinghamshire, shortly before the close of the sitting of that committee, was the last open attempt to carry into effect the revolution, which had so long been the object of an extended conspiracy. The arrest of some of the principal promoters of these treasonable designs, in different parts of the country, had deranged the plans, and distracted the councils, of the disaffected; occasioned delays and hesitation in the appointment of the day for a simultaneous effort; and finally, left none, but the most infatuated, to hazard the experiment of rebellion.

The suppression of this insurrection (following the dispersion of the partial rising which had taken place the night before in the neighbourhood of Huddersfield), the apprehension and committal of the leaders for trial in the regular course of law, under the charge of high treason, and the detention of several others of the most active delegates and agitators, under the authority of the act of the last session, frustrated all further attempts at open violence. But the spirit of disaffection does not appear to have been subdued; disappointment was frequently expressed by the disaffected, at the failure of an enterprize, from the success of which a relief from all distress and grievances had been confidently predicted; and the projected revolution was considered as not less certain, for being somewhat longer delayed.

In the course of the succeeding month, bills of indictment for high treason were found against forty-six persons, at the assizes at Derby; which must have tended still farther to check the progress of sedition, by apprizing the wavering of the danger to which they were exposed, and over-awing the remainder of the more determined leaders. On the trials which took place in October, twenty-three were either convicted by the verdict of the jury, or pleaded guilty; against twelve, who were mostly young men, and related to some of the prisoners already convicted, the law officers of the Crown declined offering any evidence. The remaining eleven had succeeded in absconding, and have not yet been apprehended. The result of these trials, and the examples which followed, seem to have had the effect which might be expected, of striking a terror into the most violent of those engaged in the general conspiracy; whilst the lenity shown to the deluded, was gratefully felt by the individuals themselves, and restored quiet and subordination to the district, which had been the principal scene of disturbance.

In the course of the autumn, a gradual reduction in the price of provisions, and still more an increased demand for labour, in consequence of a progressive improvement in the state of agriculture, as well as of trade and manufactures in some of their most important branches, afforded the means of subsistence and employment to numbers of those, who had been taught to ascribe all the privations to which they were unfortunately subjected, to defects in the existing constitution.

Your committee see fresh cause to be convinced of the truth of the opinion expressed by the first secret committee, which sat in the last year, of the general good disposition and loyalty of the great body of the people; and they advert with pleasure to the confirmation afforded by the late trials at Derby, of the testimony borne in the report of the last committee, to the exemplary conduct of the mass of the population, in the country through which the insurrection passed. They have no doubt, that the numbers of those who were either pledged, or prepared to engage in actual insurrection, has generally been much exaggerated by the leaders of the disaffected, from the obvious policy, both of giving importance to themselves, and of encouraging their followers. It is however, impossible to calculate the extent to which any insurrection, not successfully opposed in its outset, might have grown in its progress through a population, in a state of reduced employment, of distress, and of agitation. In such a state of things, opportunity would, no doubt, have been afforded to active and plausible demagogues, for seducing into acts of violence and outrage, persons altogether unaware of the nature and consequences of the measures to which they were called upon to lend their assistance; that these consequences would have involved the destruction of the lives and property of the loyal and well-affected, in the event of any decided, though temporary, success of the insurgents, is sufficiently evident, from the designs which have in some instances been proved.

It was therefore the duty of the magistracy, and of the government, not only to prepare the means of effectual resistance to open force; but, where they had the opportunity, to defeat the danger in its origin, by apprehending the leaders and instigators of conspiracy. Your committee indulge the hope, that the hour of delusion, among those who have been misled into disaffection, may be passing away; and that some, even of the deluders themselves, may have seen, and repented of their error. But your committee would deceive the House, if they were not to state it as their opinion, that it will still require all the vigilance of government, and of the magistracy, to maintain the tranquillity, which has been restored. It will no less require a firm determination among the moral and reflecting members of the community, of whatever rank and station they may be, to lend the aid of their influence and example, to counteract the effect of those licentious and inflammatory publications, which are poured forth throughout the country, with a profusion heretofore unexampled.

Your committee have hitherto applied their observations to the lately disturbed districts in the country. In adverting to the state of the metropolis, during the same period, they have observed, with concern, that a small number of active and infatuated individuals have been unremittingly engaged, in arranging plans of insurrection, in endeavouring to foment disturbances that might lead to it, and in procuring the means of active operations, with the ultimate view of subverting all the existing establishments of the country, and substituting some form of revolutionary government in their stead. Your committee however, have the satisfaction to find, that, notwithstanding the desperation and confidence of the leaders, the proselytes that have been gained to their cause are not numerous. The sensible improvement in the comforts and employment of the labouring part of the community, has tended to diminish at once the motives of discontent, and the means of seduction. The mischief does not appear to have extended into any other rank of life, than that of the persons referred to in the first report of the Secret Committee of last year, nor to have received countenance from any individuals of higher condition.

Eager as these agitators are, to avail themselves of any popular assemblage, still more, of any occasion that might happen to arise of popular discontent, and capable as they appear, from their own declarations, to be of any act of atrocity, your committee see no reason to apprehend that the vigilance of the police, and the unrelaxed superintendence of government, may not, under the present circumstances of the country, be sufficient to prevent them from breaking out into any serious disturbance of the public peace.

The attention of your committee has next been directed to the documents, which have been laid before them, relative to the apprehension of the several persons suspected of being engaged in treasonable practices, who have been detained under the authority of the acts of the last session. They have examined the charges upon which the several detentions have been founded, and find them, in all instances, substantiated by depositions on oath. Your committee have no hesitation in declaring, that the discretion thus intrusted to his majesty's government, appears to them to have been temperately and judiciously exercised, and that the government would, in their opinion have failed in its duty, as guardian of the peace, and tranquillity of the realm, if it had not exercised, to the extent which it has done, the powers entrusted to it by the legislature. Of the thirty-seven persons, which is the whole number of those who were finally committed, one was discharged on the 4th of July, one on the 31st on account of illness, ten on the 12th of November, fourteen on the 3d of December, one on the 22d of December, six on the 29th of December, and three on the 20th of January, and one died in prison. From the circumstances of the country, as laid before your committee, and as publicly notorious during the period in which those imprisonments took place, your committee see no reason to doubt that the detention of the several prisoners, was governed by the same sound discretion, which, as your committee have already stated, appears to have been exercised in apprehending them. The whole of the arduous duties confided to the executive government, appears to your committee to have been discharged with as much moderation and lenity, as was compatible with the paramount object of general security.—27th February 1818.

The Report having been read, lord Castlereagh moved, that it do lie on the table, and be printed.

Mr. *Tierney* wished to put two questions to the noble lord,—when he proposed the report should be taken into consideration,—and what measure, if any, he intended to found upon it?

Lord *Castlereagh* said, that as to the first question, he apprehended it was not usual for ministers to be required to state their intentions upon the presenting of such a report: with regard to the second question, he could only state that it was not his intention to propose any day when the report should be taken into consideration.

Mr. *Tierney* professed himself very much puzzled to find out the noble lord's reason for moving that it be printed. The noble lord had declared, that the report was not to be taken into consideration by the House; and if so, why it was worth while to print it passed a reasonable man's comprehension. The noble lord was quite right, perhaps, in his avowed opinion of the report; for it was really nothing but a jumble of nonsense. Every syllable that had been foretold had been verified: all the absurdities that satire had invented as likely to form part of this precious document were here embodied in writing, for the amusement of the country. Who the author of this valuable production was, it might be hard to say; but for any information it contained, it would have been much better if the Derby trials had been taken in short-hand, and presented to the House. It was nothing but the old story. And well it might be, for what else had ministers to offer? There was, however, one material point, and with the other side that might constitute the chief value of the report, namely, that it was a complete whitewashing of the administration: it was related, not to the internal state of the country, but to the internal state of the administration. The whole object of it was to induce the House to believe without evidence (or rather with evidence all the other way), that ministers had exercised the powers intrusted to them with the utmost moderation and humanity. Would the House take that fact for granted, merely because it was so asserted in the curious specimen of composition just read? For what purposes had the committee been appointed? First, to defend the conduct of the former committee; and, next, to defend the conduct of ministers. Very properly for such a task, the members of the former committee, and the members of the administration, had been selected. What could be better when a man was accused, than to constitute him his own judge? Yet, after all, what had they to say? Nothing; but that the Derby trials had taken place; and that, if an insurrection had begun and proceeded, no man could tell the consequences. All had been taken for granted—not a tittle of evidence had been produced to show that there had been any such insurrection. In fact, all that had occurred, had been occasioned by the backwardness of ministers in availing themselves of the powers they undoubtedly and constitutionally possessed of arresting those on the Sunday who were about to rise on the Monday; so that, in order to have the Derby trials, it was necessary to have an insurrection; and there could be no insurrection unless ministers neglected their duty by not putting into effect the ordinary laws of the country. Contrivance and artifice were evident on the face of the whole business; and yet the report concluded with the assertion, (which every man expected, of course, from a body so constituted), that ministers were a most meritorious set of men, and had preserved the constitution from ruin and destruction. Did the noble lord really flatter himself that he could impose upon the House; or if he could, that he could juggle men of sense and independence out of doors? The noble lord was as expert as any man at such things, and the delay of this notable report had been a part of the contrivance. The committee had sat for three weeks; public curiosity had been stretched from day to day; only the day before yesterday the right hon. gentleman opposite, (Mr. Bathurst) had stated, that a new point of the utmost importance had been started, which occasioned a new delay, and the postponement of the report until long after it had been presented in the other House, naturally led to the conclusion, that there would be at least something in it. But who could assert that the report now launched upon the public contained any thing? It was unworthy to be taken into consideration, even according to the noble lord: and no measure was to be founded upon it. It arose from nothing—it was in itself nothing—and it was to lead to nothing. Nothing could come of nothing; or if the noble lords ingenuity could make something out of nothing (as, perhaps, had been very nearly accomplished when he himself was made a minister), he was afraid to avow it: he was ashamed (a quality in which he he was not always abundant) to own that a bill of indemnity was to be founded upon such a thing as now laid upon the table. Mr. Tierney said he did not believe a syllable of it; he would not believe assertions unsupported by proofs, and when all evidence to the contrary was rejected. It was not very usual for men to be judges in their own cause; but that course had been here pursued. On other occasions, when a green bag had been sent down, the aid of parliament was required; but here nothing was asked, excepting that the Crown wished for the opinion of the House, while the ministers refused the means by which only an opinion could be formed. No man in his senses would give credit to a body constituted as this committee had been. While the table was covered with petitions demanding inquiry; while the whole country demanded to be satisfied why the constitution had been suspended, this notable report was put forth. He defied the noble lord to state any reason why the report was made, but that a bill of indemnity might be founded upon it; or to show any precedent of a committee named like the present, without purpose or result; or, in plain English, without head or tail. Where were the vouchers for this singular, not to say ridiculous production? Not one had been produced, and it would give no more satisfaction to the country, than if every member of the committee had separately risen in his place in the House, and declared, that in his opinion (having, in truth, no opinion of his own) ministers were very wise men, had acted most discreetly and impartially; and had entitled themselves to the everlasting gratitude of the country. It was scarcely worth while to oppose seriously the motion for printing a document so absurd, contemptible, and ludicrous. It would, no doubt, be a waste of the paper on which it was printed, and it would also be a waste of the time of the House to make farther comments upon it.

Lord *Castlereagh* said, that though he did not intend to propose any thing to the House founded upon the report, yet the right hon. gentleman was, of course, at perfect liberty to do so if he thought it proper or prudent. The opinion just expressed was undoubtedly strong, and considering, that the report had been only once read, it was sufficiently summary: it was no less than that the right hon. gentleman did not believe a syllable it contained, and he of course endeavoured to excite a feeling in the House, and in the country (in both of which he would completely fail) that the report was a production wholly unworthy of notice. What reliance would be placed upon this hasty judgment, either in doors or out of doors, experience would make evident. This was not the first time the country had reason to think the right hon. gentleman not the profoundest oracle that ever sat on the other side of the House. It was not difficult to prophecy, that on the present occasion, as on many others, the right hon. gentleman would not succeed in deluding the public, and in persuading them that there had existed no danger, and that ministers had deserved no credit for their promptitude and their decision. Though the report was not to be taken into consideration on any particular day, yet occasions would be afforded for discussing it. The right hon. gentleman and his friends need not despair of occasions when they might endeavour to renew discontent and alarm. As to the assertion, that the opinion of the committee was nothing but the opinion of government, the right hon. gentleman must know too much of the constitution of that body, to suppose that the resolutions would all be passed without opposition; and it was quite a sufficient ground for appointing a committee to say, that it was desirable that the country should be informed of its real situation. The danger had been great, and was now happily diminished; but it was not yet so far past, but that it might return, unless vigorous precautions were adopted. The moral and well-disposed part of the community had a right to know, as they did from this report, from what dangers they had escaped, and what yet remained to be encountered. It was no humiliation of the government or of the House to name a body for such a purpose; and while dangers still remained, they would be met by ministers with the same firmness that had hitherto distinguished them, recurring at the fit season to the salutary principles of the ordinary law. No man could deny that much had been accomplished by the powers with which the wisdom of parliament had invested ministers; and the country, now the danger was in some degree gone by, were not to be imposed upon by being told that their fears had been idle, and their precautions unnecessary. Information had been given in the only mode in which it could be communicated, and when the bill was before the House would be the more fit time for objections to or observations upon that mode. At least, however, it was fit that the report should be printed, for he did not apprehend that the House would carry the spirit of economy so far as not to consent to the printing of the report.

Mr. *Brougham* said, that if the noble lord was so well informed as to the feelings of the House and of the country; if he thought the disposition of the one or of the other was so favourable to him and his friends, it was singular that, instead of submitting the whole inquiry to the whole parliament, he should have picked out a body for the purpose composed almost entirely of his own special associates and adherents. The noble lord had said that his right hon. friend was at liberty to submit a motion upon the subject of the report if he thought fit to do so; but the noble lord seemed to forget that the whole objection to this document was, that it was unworthy of any attention; that it was futile in its progress, and ridiculous in its conclusion. One objection which he had to this committee was, that it was selected in such a way, and carried on its labours in such a manner, that the country was not likely to derive any benefit from its deliberations. In what way had they proceeded to obtain information? The noble lord would not tell the House how they had inquired. It was essential, however, that some farther explanation should be given on that point. Had any parole evidence been adduced? Had any person been examined *viva voce*? This should be stated to the House. Another reason why no confidence could be reposed in this report was, the manner in which the committee was constituted. The noble lord had professed a desire that the state of the country should be ascertained in a fair and impartial manner. But how was this proof of impartiality exhibited? The noble lord, it was true, had proposed the names of two or three gentlemen who sat on his (Mr. Brougham's) side of the House; but, with the exception of one, his noble friend (lord G. Cavendish), who could not attend, they were those who had supported the very measures which the noble lord introduced in the last session of parliament [Cries of Hear!]. He would maintain what he had said; for, as to one of those gentlemen, if there was any man to be found who, for respectability of talents as well as of character, deserved the attention of the House, it was that very gentleman (Mr. Lamb), who was selected from this part of the House, but who had recommended those measures which were mentioned in the reports of last year. He came recommended to the noble lord, not only by his character and talents, but also on the authority of the opinions which he had formerly delivered; and, therefore, he thought the nomination of his hon. friend one of the most insidious acts which the government had practised on this or any former occasion. With respect to another hon. and learned friend (Sir A. Piggott) whom the noble lord had named on the committee, it was well known that he did not attend on the former investigation; and it was anticipated, therefore, that he would not devote his attention to the present inquiry. In point of fact, this was a committee of the last secret committee; and they were selected in this way to whitewash the government, and to justify the reports of last year. If any thing were wanting to satisfy the House and the country of the mockery of nominating a committee in this manner, it was the refusal of the noble lord to fill up the vacancy occasioned by the non-attendance of lord G. Cavendish, and of sir

A. Piggott, who refused to attend on the former occasion, and who could not be expected to attend on this. Ministers attempted to make it appear that four members were taken from the opposition to sit on this committee; but the fact really was, that they had taken but one. With respect to the report, he would rather it were printed, and the country, who were anxiously watching their proceedings, and who had seen the way in which the committee was named, might also see the manner in which they had executed their duty.

Mr. *Bathurst* maintained, that sir A. Piggott had attended the whole of the sittings of the first committee. He had no reason to know that that learned gentleman would be more engaged this year than he was last year. He knew that he had been several times in the second committee, and therefore, as far as that learned gentleman was concerned, he maintained that there was no information given to the House that he would not attend. Why, it was asked, was the inquiry carried on in a secret committee? The answer was obvious. It was necessary to have a committee of secrecy, as the evidence to be submitted to it was secret. If they acted otherwise, they would not only be breaking faith with the persons who gave them that evidence, but they would prevent the present, or any other government, from ever availing itself of similar evidence. It was impossible to examine the persons who had complained to the House, because it would in that case have been necessary to bring forward also the persons who gave evidence against them. All that was necessary, was to see that there was a *primâ facie* case to justify the government. This was quite different from the guilt or innocence of the persons arrested. The object was to see whether the powers entrusted to the government were executed in an arbitrary manner, or with as much moderation as the nature of the circumstances would admit.

Sir *W. Burroughs* wished to ask, whether the committee had examined any *vivâ voce* evidence? If no person from the opposite side of the House thought proper to answer this question, he should move that the committee be directed to return an answer as to what was the fact.

Lord *Folkestone* wished merely to observe, that he had stated to the House lately, that there was no precedent of a bill of indemnity after a suspension of the Habeas Corpus act, except in 1801. The noble lord had then contradicted this statement, and had told the House, that it would be more difficult to find precedents of suspensions of the Habeas Corpus act which were not followed by bills of indemnity, than of suspensions which were followed by bills of indemnity. Since that time he had examined into the subject, and he now positively repeated his assertion, that in the statute book there was no precedent for any bill of indemnity on such an occasion as that on which it was now proposed to introduce it, except in 1801.

The report was ordered to be printed.

HOUSE OF LORDS.

Monday, March 2.

CLIMBING BOYS.] Lord Holland presented a Petition from certain Master Chimney Sweepers of London and Westminster, in favour of the Chimney Sweepers' Regulation bill. Petitions to the same effect were also presented by lord Prudhoe, from Newcastle-upon-Tyne, and Kingsland, Dalston, &c.; by the earl of Lauderdale from Hackney, Homerton, and Clapton; by lord Holland from Clerkenwell; and by earl Grosvenor from Chester. On presenting the last-mentioned petition, earl Grosvenor hoped that this horrible practice would be put an end to by the legislature. The earl of Lauderdale was desirous there should be evidence before the House to prove, that all the chimneys in England could be swept by means of machinery. The bishop of Chester concurred in the object of the petition, and hoped the practice would be abolished. The Petitions were ordered to lie upon the table.

HOUSE OF COMMONS.

Monday, March 2.

CONVICTION OF OFFENDERS REWARDS BILL.] Mr. *Bennet*, in pursuance of the notice he had given, rose to move for leave to bring in a bill to repeal and amend various acts of parliament relative to statutable rewards on the conviction of offenders. Those gentlemen in the House who belonged entirely to the profession of the law, being better acquainted with these matters than he was, might be supposed better qualified for the task he had undertaken than he could be; but having been a member of the committee appointed to inquire into the state of the police of the metropolis, and having lately passed a considerable portion of his time in inquiries into subjects of this nature, and feeling, in common with a great number of individuals, that some measure like that which he intended to propose, was indispensably necessary, he was induced to trouble the House with a bill to repeal and amend the law respecting statutable rewards. The reports of the committee alluded to, and the evidence connected with them, having so long been before the House, it would not be necessary for him to take up their time, by entering into any long detail on the subject. He should confine himself to stating merely the principal reasons which induced him to bring the matter of statutable rewards, on conviction, at present before the House. In the first place, there could be nothing more objectionable than the effect which this system of rewards had, of training up offenders in all the gradations of crime, from the first offence of the criminal, till he arrived at the last stage, when a reward could be obtained for his conviction. Every person must see, that a punishment, however slight, if certain, was much more efficacious for the repression of offences, than more severe punishments, which, it was known, were seldom inflicted. There could be no question, however, that a number of juvenile offenders were permitted to roam at large, and to proceed from one stage in crime to another, till they were, as it was technically called, "worth their weight"—that was, 40*l.* sterling. The shocking practices to which these rewards led, and which had been detailed by many magistrates and others connected with the police of the metropolis, might be seen in the minutes of the evidence taken by the committee; and for an elucidation of some of them, he would refer more particularly to the evidence of Mr. Shelton, clerk of the arraigns. On this subject there was surely enough to warrant the interference of the House. It was stated in evidence, that, on trials, the first question frequently put to police officers and witnesses was, what they would gain by the conviction? and by this means persons, of whose guilt there could be no doubt, were frequently, from the difficulty of obtaining witnesses, acquitted; because witnesses felt their characters assailed by the sort of questions which were put to them, and because this blood-money hung like a stone about their necks. Another reason for remedying the system was, that it led to conspiracies for procuring people to commit crimes, to obtain the reward for their conviction. The public attention had lately been powerfully called to the subject of such conspiracies; and an investigation respecting one, was at this very time on foot. But this was not the first time of persons lending themselves to the purpose of entrapping men into the commission of offences, for the sake of obtaining the reward for their conviction. As early as 1756, several persons were convicted of having been concerned in conspiracies of this nature; one of those persons, of the name of M'Daniel, acknowledged that seventy persons had been convicted at different times on evidence furnished by him. On one occasion a man voluntarily submitted to be robbed. The judges thought force necessary to constitute a robbery. Three persons concerned in this business were tried for a conspiracy, but they were so roughly handled by the populace, that one of them was killed outright, and another died soon afterwards. Unfortunately these were not solitary instances. In the year 1772, about twenty persons were the victims of such machinations. The conspiracies which were discovered about a year ago, were well known to the House. The case which lately happened to be discovered in Newgate, was one in which the execution of the sentence of the law had been most properly suspended. He did not mean to say, that in this case the conspiracy was as clearly made out as in the case of the poor men who were convicted on the evidence of Brock, Pelham, and Power; but there was a well-founded suspicion that Kelly and Spicer were the victims of the same system. How many others might have fallen victims to these contrivances it was impossible to say, but the general persuasion was, that the instances had been but too numerous. He was convinced he was not exaggerating when he said, that it had been a long-established practice in this country, for individuals, day after day, and year after year, to stimulate others to the commission of crime, for the purpose of putting money in their pockets by their conviction. It was his intention to propose, that what were technically called Tyburn-tickets, should be continued, and that the reward of 40*l.* should still be paid to the executors of any persons killed in the pursuit of highwaymen, or the executors of persons killed in discharging their duty in seizing of criminals, on whose conviction the reward was payable. But instead of the rewards on conviction, payable by the 4th, 6th, and 10th of William and Mary, the 5th of queen Anne, and the 14th and 15th of George 2nd, he intended to propose, that there should be assigned money for the expenses of prosecuting, and bringing forward witnesses, in all cases of felony whatever, whether a conviction did or did not take place, at the discretion of the judges. He thought this expense ought not to be thrown on individuals, when it appeared that there was a reasonable ground made out for prosecution. It was not his intention to trouble the House farther at present. He trusted he had made out a case sufficient to show, that the system of giving what was termed blood-money, against which there was one general feeling throughout the country, was an evil which loudly called for a remedy. The hon. gentleman concluded with moving for leave to bring in a bill to repeal and amend certain acts of parliament relative to the giving statutable rewards on the conviction of offenders.

Leave was given to bring in the bill.

ELECTION LAWS AMENDMENT BILL.] Mr. *Wynn* moved the third reading of this bill. He said, he should propose an amendment to obviate an objection made by a noble lord, with respect to the 400 votes requisite at the close of the two first days of the poll. The object of this amendment would be, to declare that all votes should be included in that number, which were tendered, and found ultimately good, though they might be decided against at the time.

Sir *C. Monck* said, that by the present bill the returning officer could appoint as many constables as he thought necessary. This was a power that might be used for a particular influence; and it seemed desirable that such power should not be given so as to serve a political view.

Mr. *Allan* said, that although the bill did not vary materially from that which passed the House last session, except in the exclusion of a clause, which had excited great discontent among many of the most valuable and best informed constituents, he was, nevertheless, by no means prepared to think it either merited, or would meet with the same support; and feeling as he did, that neither expense nor inconvenience at elections would be prevented by its enactment, he felt it his duty to oppose the third reading. But before he proceeded to urge his objections to particular provisions of the bill, which, to spare the time of the House, he should do very generally, he was willing to give the hon. gentleman, the promoter of it, every credit for skill and knowledge in the usages of parliament; and he hoped he would allow him to say (adverting to an observation of his on a former occasion), that he did not lie by to wait for an unfair opportunity to thwart his measure, but that his opposition to the recommitment arose from the circumstance of the hon. gentleman having himself proposed, as he thought rather precipitately, the third reading for the very next day. It had been his practice ever since he had had the honour of a seat in that House, to consent generally to the introduction of any bill, not *primâ facie* objectionable, and to watch its progress through a committee; and he did so in this case, though he contemplated the measure from the first as an innovation on the election laws, in his humble but confirmed opinion, not likely to produce any beneficial effects whatever. On the contrary, and on the best consideration he had been able to bestow, it appeared to him that the repeal of the act of the 18th George 2nd, by the substitution of that which was then before the House, would not tend in any degree to render less inconvenient the election of knights of the shire to serve in parliament, for it in fact merely transferred the power to provide booths or polling places from the sheriffs to the magistrates, the former being limited to the number of fifteen, and the latter unlimited, except by a vexatious appeal to the quarter sessions. It might be otherwise arranged; and as he contended that fifteen polling places were sufficient for Yorkshire, if his position were true, the argument must hold good as to every other county in the kingdom. But he objected to the principle of the bill, more particularly as affecting places where the right of voting is in freemen, inasmuch as the power to be given to the magistrates must necessarily interfere with the bye laws and internal regulations of such places, and a right thus to be vested in an extraneous authority, to direct voting by wards, guilds, or companies, contrary to immemorial usage, must operate with those concerned, as an invasion of the chartered privileges and immunities of every city, borough, or port in the empire. Besides this, he held the proposed regulations for the polling of freemen to be still more objectionable; and he contended that notwithstanding the number of polling places might be increased so as to take the votes of 400 in one day, the poll might, nevertheless, be so protracted, by disputes upon the rights of paupers and others (he bore in mind that the returning officer might set apart), that 400 could not possibly be polled either on the second or any subsequent day, nor even 200, as now proposed; and thus, by the favour of a returning officer, by a manœuvre in fixing the day of election, and through the medium of dull or entertaining orators, two members might be returned, when, in reality, a third candidate might have a vast majority of legal votes in his train ready, but not able to exercise their franchise. The whole scope and tenor of this arrangement appeared to him to be neither more nor less than a design to do away the most valuable part of our mixed state of popular representation, to impose on independent candidates an enormous expense, by assembling freemen before the election is fixed, or at once to deprive for ever the outlying voters from any possibility of exercising their just right, whether derived by birth, or through the means of honest servitude, in the various crafts and mysteries which have so eminently distinguished this country above all others. He admitted there were clauses in this bill, to which, in another shape, he should not object, and he admitted also there had been cases in which polls had been unnecessarily protracted; but he did not think any proper remedy would be supplied by this bill, which, for the reasons he had assigned, he moved might be read a third time this day six months.

Mr. *Marryat* said, that from all he heard it was clear the more the bill was considered, the more it would be found objectionable. What had been done appeared to him unsatisfactory. He objected to the proposed regulations concerning the poll, which applied the same principle to counties and boroughs. The House ought to pause before they passed this bill into a law. If it was applicable to county elections, it might not be so for all places. It tended to compel a candidate to bring up all the non-resident voters in his favour on the first day of the poll. Yet he might not know that he wanted them. The bill would be productive of an increase in the expenses of elections. Besides, the bringing up of all the voters at the beginning of the poll would only tend to increase the danger of riots and disturbances. The power to stop the poll, if a certain number did not in this stage of the election appear, had also a tendency to disfranchise those who could not, in the first instance, attend from distant parts. Why, also throw the expense of the hustings on the county, instead of the candidate? If the latter could throw upon his constituents this part of his expense, why not throw the rest? Why not, as in America and in France, make his constituents pay his daily expenses? He could not approve of the proposal for abolishing the giving away of cockades. That practice assisted a very useful and valuable branch of our manufactories, and which at present stood greatly in need of encouragement. This alteration could be no important object. The disposition to rioting proceeded, not from the cockade in the hat, but from the liquor in the head. As to declaring the election in certain cases, where there was no opposition, he supposed members knew well enough the maxim of *divide et impera.* It would be more decorous to let the measure stand over. If the bill were to be passed now, the House would be rushing in upon a new system respecting the law and practice of elections, just at the time when a general election was about to take place.

Mr. *Protheroe* objected to the clause of the bill respecting cockades. He wished the bill to be recommitted, as he approved of some parts of it; he should otherwise vote for the amendment.

Sir *W. Burroughs* thought the clause which put an end to the poll at the conclusion of the second day, if 400 voters had not polled, was objectionable. A candidate might object to his adversary's votes, and thus put an end to the election unfairly: for there was not, on the supposition that every vote was objected to, more than 63 seconds allowed to determine on each. The clause too which affixed a penalty on giving away a cockade, would occasion vexatious prosecutions.

Mr. *Hammersley* thought this a selfish bill on the part of the House, and he was sorry to see so little disposition to object to it. The inconvenience that had been alleged as the reason for this bill, was, that the member for Devonshire had been obliged to stand four days before his constituents, by the opposition of a person who had but few votes. He did not think this a hardship to be complained of by a gentleman who thereby became the representative of a populous county for seven years. The longer the hon. member stood before his constitnents, the better for himself, and for them. He thought this bill tended, by diminishing expense, to introduce into the House persons of less weight and respectability than would otherwise be elected. He should therefore vote for the amendment.

Mr. *Wilberforce* thought, that the part of the bill which proposed to put an end to the practice of giving cockades would not answer the purpose. The bill affixed a penalty to the giving away cockades; but the member would be thought a very shabby fellow who did not submit to this additional expense [A member suggested that the penalty was affixed to each offence]. If it was meant to apply to the giving each cockade, it was not so expressed in the bill, nor would it be so interpreted. He remembered prosecutions against a man for exercising the trade of a tailor; and he was proceededagainst separately for several acts done in the same day; lord Kenyon said, that if the man could be prosecuted for different acts in one day, he might as well be sued for penalties on every stitch. He thought it would be better to affix a small penalty, 5*s.* or 10*s.* for instance, on any person giving a cockade, for each cockade given, and to avoid the delicate question of agency, which was one of the most difficult to be determined either by a court or a committee of the House. He did not think the bill could be considered as merely intended for the benefit of the candidates. It was a benefit to the country at large, that persons who would be preferred by the electors on political principles, or from local connexions, should not be thrust out by weight of purse by men less deserving of support, morally or politically. It was the duty of the House to watch over the interests of the country gentlemen, who were the glory and the strength of the country. The bill might be convenient in its operations to a few leading families, in places were there was little chance of opposition, by limiting the duration of the poll: but the interest of any particular family was but a feather in the balance compared with the prejudice it would be of to the country at large.

Mr. *F. Douglas* approved of the bill, but thought it better that some of the clauses should not be put in operation for two years, as from their enactment on the eve of an election, they might be twisted for partial purposes which could hardly be foreseen.

Sir *J. Graham* objected to the clause, which rendered it no longer necessary for freeholders to adduce a proof that their tenement was assessed to the land tax. He also objected to the payment of the expense of the hustings out of the county rates, and to the power given to the returning officers to appoint any number of constables. The returning officers were not always of the highest description, and might make a job at the county expense. The magistrates were the proper judges of the number of peace officers who were necessary.

Mr. *Lockhart* approved of the general principle of the bill, especially of the part forbidding the distribution of cockades. He had known 30,000 cockades given away at an election, and this signal of party was thus made an engine of bribery, not to the multitude at large, but towards persons of particular trades. He was doubtful, however, whether a simple limitation of the length of polls would not be better than the complicated machinery now introduced, the effect of which it was not easy to foresee.

General *Thornton* expressed a hope that the bill would not proceed any farther.

Mr. *P. Moore* observed, that the effect of some of the restrictions proposed by this bill would be to disfranchise one-third part of his constituents of Coventry. The restriction on the use of cockades was, in his opinion, highly inexpedient, as it tended to discourage an extensive branch of manufacture. This view of the subject had excited a smile in the House; but it was a matter of serious importance to many thousands of industrious individuals who derived their support from the manufacture in question. If the bill was amended, so as to do away with these objections, he should feel it his duty to support it.

Mr. *Wynn* replied. He said, that as the law at present stood, if any one candidate chose, he could keep the poll open to the last moment allowed by the law, which was fifteen days. This he considered as a very great evil. It had been said, that this was a selfish measure on the part of the House. He, on the contrary, viewed it as calculated to relieve electors themselves. The very first principle of the constitution was, that freeholders should be represented in that House free of expense. To give effect to this principle was the leading object of this bill. The first clause objected to was that respecting the building of booths and other apparatus. It had been said, that to throw the expense of these erections upon the county, was to encourage ambitious candidates to come forward. But it should be recollected, that, at present, any candidate could avoid this expense. He had only to avoid offering himself, but to get some person to demand a poll for him, and he could be charged with no part of the expense. The only alternative left him, therefore, in framing this bill was, to throw the expense upon the county, or upon the individual demanding the poll; and as the latter would be a greater alteration of the whole system, he had adopted the former. When the expense was laid upon the county, no individual would feel it severely. Besides, as the materials of booths and hustings would be sold after the election, the amount would be inconsiderable. The second clause objected to respected the closing of the poll, if 400 had not voted before the end of the second day. The bringing in of electors from a distant part of a county he thought as great an evil as bringing them from the remotest part of the kingdom. If, therefore, a candidate could not poll 400 on the second day from the place where the poll was held, he thought it would be a great advantage that the poll should be closed. It had been suggested, that the bill should be put off till after the general election. He could not consent to this, as it was brought forward with the view of preventing such evils as it embraced at the ensuing general election. As to cockades, he believed that the 100*l.* proposed as a penalty would effectually prevent the use of them; but he should not have the least objection to a fine for each cockade given away. The clause respecting constables was especially required. At one election he knew that 8,000*l.* had been given to special constables. At another election 1,500 special constables had been engaged at half-a-guinea a day each. The amendment proposed in the bill respecting the land-tax was much wanted in every part of the country, but particularly in Gloucestershire and Yorkshire. If the bill should be read a third time, he would willingly discuss any particular clause proposed to be added afterwards to it.

The question being put, That the bill be now read a third time, the House divided: Ayes, 44; Noes, 51. The bill was consequently lost.

IRISH COURTS OF JUSTICE.] Sir *J. Newport* asked, whether any measures had been taken by the Irish government in consequence of the reports of the commissioners for investigating the fees and emoluments of the several officers connected with the courts of justice in that country?

Mr. *Peel* observed, that the three reports from the commission alluded to were so voluminous, as to require some time for their consideration. They had been submitted to the examination of the lord chancellor of Ireland, with a view to collect his opinion for the satisfaction of the Irish government, as to the arrangements proposed, and from his own knowledge he could state, that that learned lord had, in conjunction with the master of the rolls, devoted a great deal of attention to the subject. The master of the rolls had, indeed, occupied a great part of the last vacation in considering those reports, and the capacity of that learned person to form a correct judgment upon any subject, could not be questioned by any one who had an opportunity of appreciating his talents. When the opinions of those two learned persons should be communicated to the Irish government, he could assure the right hon. baronet that it was the intention of that government to adopt such measures as the equity of the case should suggest. With regard to the office of the clerk of the pleas, about which so much discussion had taken place, the Irish government had arranged, that the fees of that office should be invested in the public treasury, until a final decision should be pronounced upon that subject, with regard to which an appeal was now pending in the House of Lords. As to the deputy clerk of the pleas, upon whose conduct one of the reports alluded to so particularly animadverted, the Irish government had felt it a duty to dismiss that person not only from that office, but from another office also, which he had held for many years.

Sir *J. Newport* declared, that he was much pleased with the reply of the right hon. gentleman. He was, indeed, encouraged to hope that such measures would be taken in consequence of the reports alluded to, as were essential to the ends of public justice.

Army Estimates.] The House having resolved itself into a Committee of Supply to which the Army Estimates were referred,

Lord *Palmerston* rose, he said, to propose to the committee, the Army Estimates for the year. The detail of those estimates was so dry, that the House must, he presumed, feel desirous to have it brought within the shortest possible compass. With that desire he was quite willing to comply, and he was glad to think that it was not necessary for him to enter at any length into the subject, in consequence of the Appendix to the Seventh Report* of the Finance Committee, which fully explained all that related to the details of the military expenditure. He should therefore confine himself to that which he hoped would be satisfactory to the House, namely, a statement of the reduction of expense under this head of the public service. The reduction in the expense of the army, comparing the present with the last year, would, he was happy to say amount to 188,027*l.* 19*s.* 3*d.* while the total reduction of charge in all the departments connected with our military establishment was no less than 418,000*l.* Upon the score of numbers the diminution of the army in the present year, compared with the last, would at home amount to 1,995 effective men; while throughout the empire, including that in France, it would exceed 20,000, so that he would take the total reduction in round numbers at 22,000 men. In point of fact, however, it was right to state that the reduction of our force in Ireland was not so great as it appeared, for as it was impossible to equalize the effective force of regiments with nominal strength, the force in that country within the last year did not amount to the number actually voted. The amount of the land forces for the present year the noble lord stated at 25,000 for England, Guernsey and Jersey; 20,000 for Ireland; 33,000 for our old and new colonies; 17,360 for the territories of the East India company, ex-

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* Extract from the Seventh Report of the Finance Committee, Appendix p. 42.

Statement showing the Difference between the Amount of the Estimates of the Ordinary Services of the Army, as voted for 1817, and the Amount of the same Estimates for 1818.

	Estimates for 1817.			Estimates for 1818.			More in 1818.			Less in 1818.		
	£.	s.	d.	£.	s.	d.	£.	s.	d.	£.	s.	d.
Land Forces (exclusive of France and India)	3,351,377	0	8	3,277,374	10	8				74,002	10	0
Staff Do.	146,815	12	0	150,569	14	5	3,754	2	5			
Public Departments	163,103	13	10	146,546	11	5				16,557	2	5
Medicines, &c.	26,446	3	1	37,711	10	10	11,265	7	9			
Volunteer Corps	106,665	9	7	123,541	9	9	16,876	0	2			
Recruiting Troops, and Companies of Regiments in India	17,824	1	5	21,275	11	4	3,451	9	11			
Royal Military College	28,155	4	9	25,514	16	9				2,640	8	0
Pay of General Officers	179,044	18	4	176,935	12	9				2,109	5	7
Garrisons	34,078	9	5	33,398	19	5				679	10	0
Full Pay of Retired Officers	132,536	1	2	132,809	9	9	273	8	7			
Half Pay and Military Allowances	679,550	4	11	682,763	15	10	3,213	10	11			
Foreign Half Pay	133,462	0	0	136,385	0	0	2,923	0	0			
Chelsea and Kilmainham Hospitals	1,009,529	12	6	1,111,154	9	7	101,624	17	1			
Royal Military Asylum	34,415	5	5	32,851	0	3				1,564	5	2
Widows Pensions	98,984	9	0	98,874	11	2				109	17	10
Compassionate List, Bounty Warrants, and Pensions for Wounds	163,502	3	7	161,806	3	7				1,696	0	0
Reduced Adjutants of Local Militia	19,500	0	0	20,805	0	0	1,305	0	0			
Superannuation Allowances	25,566	19	11	34,372	2	10	8,805	2	11			
Exchequer Fees	35,000	0	0	35,000	0	0						
Corps to be reduced	296,761	0	0	54,600	0	0				242,161	0	0
	6,682,318	9	7	6,494,290	10	4	153,491	19	9	341,519	19	0
Deduct	6,494,290	10	4							153,491	19	9
Diminution of Charge in 1818	188,027	19	3							188,027	19	3

clusive of recruiting troops and companies; and 20,126 for our contingent in France. Without going through any very minute details, the land forces might be stated at a reduction of 74,000*l.* The staff was considerably increased; the sum he believed, was about 3,754*l.* Considerable alterations would be found to have taken place in the estimates connected with the West Indies. There was a diminution of 16,557*l.* in the item of public departments. In the office of the commander in chief, a diminution had taken place of 1,300*l.*; and in the war-office a diminution of 6,436*l.*; but this year a smaller sum was required, on account of the cessation of some of their expenses. In the other offices there would be found small articles of variation, all of which he should not enumerate. A most important change was the muster-master-general's office having been abolished, and the duties transferred to other offices. The reduction by that was 2,918*l.* The whole of the reductions in the offices, &c. made upwards of 16,550*l.* There was an increase in the item of medicines of 11,265*l.* On that he might observe, that there was not an increase in the supply of medicines; but this year there had been bought and paid for a considerable quantity more than was necessary for the service of the year. In the item of volunteer corps there would be found an increase of 16,876*l.* There was also an addition made to the East India troops for recruiting &c., of 3,451*l.* The Royal Military College establishment was diminished by 2,640*l.* There would be a difference in the estimates of this and next year on this point in the sum of 750*l.* In the pay of general officers there was a diminution of 2,109*l.* Upon the half pay and military allowances, there was an increase of 3,213*l.*, and in the foreign half pay of 2,923*l.* In the hospitals of Chelsea and Kilmainham, including in and out pensioners, there was required a sum of 101,624*l.* more than last year; but there might be alterations made in the course of the year by casualties and accidents which could not be exactly calculated upon. And it ought to be recollected, that there was to be deducted the sum of 35,314*l.* The casualties, pensions, &c. for the last four years had been on an average upwards of 180,000*l.* annually. There was reason, however, to expect that in the present year the sum required would not be so great. In the Military Asylum there had been made a diminution of 1,564*l.*; and in the items of widow's pensions, there was a diminution of 109*l.* In the compassionate list, there would be perceived a reduction of 1,696*l.*; and in the item of reduced adjutants of local militia, an increase of 1,305*l.* In the expenses of the troops in France, there was a reduction in the sum total of 175,183*l.* In the West Indies there was a small increase arising from the circumstance that two of the regiments that went out had only remained part of the year. There would be found, upon the whole a saving in the total charge of troops, &c., in 1818, of the sum of 188,027*l.* 19*s.* 3*d.*, and the whole charge, including the troops in France, India, &c., would be found to be less by 418,000*l.*, and the whole number of men in the estimate, when compared with the estimate of last year, was less by upwards of 21,000. The noble lord concluded by moving his first Resolution, viz. "That a number of land forces, not exceeding 113,640 men (including the forces stationed in France) and also 4,200 men proposed to be disbanded in 1818, but exclusive of the men belonging to the regiments now employed in the territorial possessions of the East India company, or ordered from thence to Great Britain, commissioned and non-commissioned officers included, be maintained for the service of the United Kingdom of Great Britain and Ireland, from 25th December 1817 to 24th December 1818."

Mr. *Calcraft* expressed his conviction, that a still greater diminution should take place in our military establishment, than what the noble lord had stated. He could not, for instance, see the necessity of 25,936 men for the peace establishment of Great Britain, and 20,058 for that of Ireland. With regard to the numbers voted for the old and new stations, he did not feel himself competent to pronounce any decided opinion, although the amount of force for the former was so much more than in any former peace. But with respect to Great Britain and Ireland, he could not imagine the grounds upon which ministers could think such an establishment necessary; while there were 20,000 of our troops in France, he could not see why a smaller number than 25,936 would not be enough to vote for the present peace establishment of Great Britain. Was there any thing in the internal condition of England, which called for a larger peace establishment than we had in 1792, and that, which amounted only to 15,000 men, was the largest peace establishment this country had ever previously known? Surely it was not requisite to keep up an establishment of 25,936 men, in order to preserve the peace of England. He should not oppose such an establishment if he could conceive it necessary for the safety of the state. From the state of the House with so few members in attendance, he would not then press any proposition; but he should certainly feel it his duty to do so upon a future occasion. Having asked for some information as to the grounds upon which such an extraordinary peace establishment was deemed necessary for England, he would also take leave to inquire of the secretary of the Irish government, what were the circumstances which called for 20,000 men in Ireland, which was in fact, little less than double the usual peace establishment in that country; for, from his own knowledge, Ireland, although by no means in a state of prosperity, was thoroughly tranquil. That tranquillity was, indeed, preserved throughout the last winter, while the people were suffering the most severe privations under the pressure of unexampled distress, and the most afflicting disease. What, then, could justify the expense of such extraordinary establishments, especially in the present state of our finances? He would not then enter into the discussion of all the topics which were naturally connected with this subject, but upon the bringingup thereport he would move for a farther reduction of the proposed establishment to the extent of 8 or 9,000 men.

Sir *M. W. Ridley* expressed his surprise, that it should be proposed to continue the Royal Waggon Train, for what occasion could there be for such an establishment during peace. There was also a considerable expense in the recruiting department, amounting in the whole to 17,000*l.* which made the expense equal to the bounties. In the estimates he perceived a grant of pensions to the Military Colleges of 740*l.* per annum. In so new an institution, such a grant should be an object of great suspicion. There was also a grant of 2,075*l.* to a retired barrack-master, which required some explanation.

Lord *Palmerston* stated, that with respect to the Royal Waggon Train, a part was stationed at Croydon, from whence detachments were sent to the army in France, a part was employed on the Military Canal, and another portion at Hilsea. There was no greater number than was required for the public service. As to the recruiting staff, it consisted of inspecting field officers, who superintended the performance of the various duties of the district staffs; a paymaster, who attended to the accounts; a surgeon to inspect the recruits; and serjeants to escort them to their respective depôts. With respect to the grant of a pension to the Military College, it arose from the warrant to a retired officer, after 15 years service pursuant to the warrant, by which the appointments in these colleges were made. An hon. gentleman had stated, that on a future occasion he would feel it his duty to move a farther reduction in the present estimates. As, however, the hon. gentleman did not then go into a statement of his reasons for the intended motion, he would abstain from any premature discussion. But he must be allowed to say, that the 26,000 men, taken in the estimates, could not be considered as wholly applicable to the home service; a portion must be applied to the relief of the foreign garrisons. These garrisons consisted of a force of 33,000 men. Nobody would pretend to say, that the regiments thus stationed should be exposed to perpetual banishment. It would be neither humane nor constitutional. Some period must, therefore, be assigned for the return home of these regiments. Ten years were considered the limit of garrison service abroad. Now, allowing that the reliefs would amount to one-tenth of the force in foreign garrisons, that amount would take away from the 26,000 men 3,000, for reliefs to be sent out. So that with these reliefs, and the defalcations arising from the non-effectives, the army for home service would not amount to more than between 18 and 19,000 men. The House would, therefore see that there was no very great excess between the force now kept up and the establishment of 1792, and that it was only such a difference as the alteration of circumstances between the two periods fully warranted.

Mr. *Warre* observed, that the noble lord, in his various statements as to the necessity of our home force, seemed wholly to throw out of his contemplation our large army in France.

Mr. *Peel* said, the hon. gentleman should recollect that the present estimates were only demanded for a year. The country was bound by treaty to keep up, for a time specified, an army in France. As long, therefore, as we were bound by treaty to keep up that force, it was impossible to consider it as applicable to the home service, or to make under that head an allowance for it in the estimates. An hon. gentleman had expressed something like dissatisfaction that the reduction for Ireland was not greater, and that the force considered necessary for internal tranquillity should still amount to 20,000 men. After the unanimity that had marked the greater estimate two years ago, when the force admitted to be necessary was taken at 25,000 men, he confessed that he did expect the reduction and its causes would have been received with unmixed satisfaction. It was impossible for any man to demonstrate with mathematical accuracy the amount of force which the internal tranquillity of a country, situated as Ireland was, would require. It was a matter of grave opinion, and should be taken on the responsibility of those whose paramount duty it was to preserve the internal peace. The hon. gentleman considered that half the force, viz. 10,000 men, would be sufficient. Now as far back as 1767; under lord Townshend's administration, it was resolved that the force for Ireland should be 15,000, 12,000 to be always detained in the country, and 3,000 for general service. But when it became a duty to estimate the necessary amount for Ireland, it would be idle to revert to distant periods. The true standard by which a judgment should be formed of the present estimates, was the number of men that within recent periods had been employed. He admitted that it was a period of war. But since the peace of Amiens there had been no apprehension of invasion—no vulnerable point on the Irish frontier. The force maintained during those years, large as it was, was in support of the civil power. He had, therefore, to congratulate the House on the improved state of the internal circumstances of that country. In consequence of that improvement, government were enabled to make a reduction both in the regular and yeomanry force of Ireland; and measures were in operation to reduce still farther the latter description of force —The hon. member had truly observed, that during the last winter great tranquillity had prevailed in Ireland. The hon. gentleman was perfectly correct in the statement, and it was with great justice and peculiar gratification he himself must say, that under the pressure of privations, perhaps unexampled, no people had ever displayed more endurance, resignation, and magnanimity, than the people of that country. A sum of 37,000*l*. had been advanced by the government to local subscriptions of charity. No money could be more wisely dispensed, nor could be received with greater gratitude. But whilst he spoke thus of the tranquillity of Ireland, it was nevertheless true, that some outrages had occurred. They were, perhaps, inseparable from the peculiar state of society there. Government had been applied to by the magistracy in some instances to put the insurrection act in operation. The application was refused, and the refusal was owing to the power it possessed of supporting the civil power by a military force stationed through the country. Much benefit was also to be attributed to the extension of the civil authorities in that country.

Sir *W. Burroughs* denied that it was the usage to keep up in Ireland a large military establishment. In the American war the people of that country had to complain of the total inadequacy of the force to meet the dangers then arising from the apprehension of an invasion. There were not 5,000 soldiers in Ireland when the volunteers were embodied. He was proud of the account the House had received that night from authority, as to the fortitude and magnanimity of its people under unequalled sufferings. It ought to afford an instructive lesson to the government. At afflictions uncontrollable by man the Irish people never murmured, but oppressions springing from ill-treatment and mis-rule, they ever did, and he hoped ever would, resist. With regard to the present estimates, he could not avoid expressing his surprise at their amount. In the third year of peace, to hear of a force of 90,600 men must be a source of astonishment. How was the country to support such an expenditure? Where was it to end? The revenue of the last year amounted to 51,000,000*l*. The expenditure was 65,000,000*l*. leaving a deficit of 14,000,000*l*. And yet, with such financial difficulties staring them in the face, the noble lord held out no hope or suggestion of future reductions beyond the reduction of 4,200 men. The expense of such an establishment as now proposed was 6,000,000*l*. How was it to be met? Were we to have a qualified property tax amongst all our other public burthens?—or must the faith with the public creditor be broken, by an appropriation of the sinking fund to the expenses of our establishments? Much credit had been taken for the reduction of the yeomanry in Ireland. What did that reduction amount to? Out of a yeomanry force of 44,000 men, in time of peace 3,000 were reduced. In England, out of 30,000 men, the mighty reduction of 279 men had taken place, while, when we were at peace with all the world, an addition of near 3,000 had been made to the yeomanry; he supposed to preserve the internal tranquillity of this country.

Mr. *Babington* expressed a hope that the soldiers receiving pensions might be freed from certain inconveniences to which he understood they were at present exposed.

Mr. *C. Long* declared his readiness to concur in any suggestions that might be proposed by the hon. member for effecting so desirable an object; but he had flattered himself that his own exertions in respect to that point, had not been altogether unavailing.

Mr. *Forbes* complained that a list of the officers who received pensions for wounds had not been laid on the table; and regretted that in respect to pensions, the officers of the navy were not placed on an equal footing with the officers of the army. He feared there were many cases of abuse in the granting of pensions to the latter.

Lord *Palmerston* said, it was not usual to lay on the table such a list as that alluded to by the hon. gentleman, but if the hon. gentleman thought proper to move for it, he would make no objection to its production: it would, however, take a long time to make out. He denied that there was any partiality shown to the army with respect to pensions. Pensions were granted to the officers of each service by departments wholly unconnected with one another; so that any thing like partiality was out of the question. As to any abuses in the granting of pensions to the officers of the army, he had in consequence of what had been said in that House last session, investigated the subject minutely, and he had not been able to discover a single instance of such abuse.

Mr. *Forbes* observed, that he had heard of several cases of gross abuse.

Lord *Palmerston* requested the hon. member to communicate those cases to him in private, and if he found that any pension had been withdrawn which ought to be continued, or that any pension was continued which ought to have been withdrawn, he would endeavour to rectify the error.

Sir *F. Flood* expressed his high satisfaction at what had fallen from the noble viscount and the right hon. gentleman, with respect to the loyalty and good disposition of Ireland, and the patience with which the people of that country had endured the various hardships and privations to which they had been subjected. There was not a more sincere friend of Ireland than himself; indeed, whoever was not a friend to both countries, could not be a friend to either. He was as independent a man as any in that House, being bound to adhere to neither side of it. He never had received any thing, and he looked for nothing from any party. He would, therefore, be the last man to agree to any act of that House which he considered unjust or oppressive towards his native country. But he was bound to say, that he did not think the vote of 20,000 men for Ireland extravagant. They were dispersed over the country, and their weight was not felt. The whole people of Ireland, without any reference to religion, were loyal. Of this fact, the late war afforded abundant proof. Half our marine in the late war was composed of Irish Catholics, and a great part of our army of Irish Catholics and Protestants; and he knew of no single instance among them of desertion and disloyalty. The attachment of that country should be fostered. Ireland (exclaimed the hon. baronet) is the right arm of the empire. If you lose Ireland, what will become of you? You ought to embrace her with both arms to the end of time, as your nearest, dearest, and best of friends.

The several resolutions founded upon the Army Estimates were then put and agreed to.

Bank Tokens.] The *Chancellor of the Exchequer,* in pursuance of notice, moved for leave to bring in a bill to suspend the penalties for receiving bank tokens in certain cases, after the 25th of March instant. The object of this bill was to afford means after the general circulation of these tokens was stopped, for their being still received for various purposes. If gentlemen going down to the quarter sessions, would but take a bag of silver with him to enable them to take in exchange bank tokens from the poor labourers in their neighbourhood, much might be done for the public. He supposed, from the extraordinary facility given last year in the issuing of the new silver coinage to the taking the old silver, the public expected this year some similar arrangement. They did not reflect on the difference between the two cases. As government did not issue these tokens, it could not be expected to enter into a complicated and expensive arrangement for receiving these tokens in exchange for silver coin. In this bill he proposed that provision should be made for allowing any person to pay or receive bank tokens twelve months after the 25th of March for taxes. Provision in like manner would be made for allowing them to be taken for rent. In these cases, and all others, where the tokens were not passed in general circulation, but paid to individuals for the purpose of being ultimately remitted to London, he proposed the penalties should be suspended. The House would see how far this measure answered the purpose he had in view, of withdrawing the bank tokens from circulation, with as little inconvenience as possible to the public.

Mr. *F. Lewis* stated, that the current price of silver that day was *5s.* 6*d.* an ounce, and from the state of our paper currency the price must rise still higher. If it should reach *5s.* 8*d.* or *5s.* 9*d.* an ounce, the silver currency would gradually disappear. Fortunately for the country a considerable part of the bank tokens were still in circulation. If these tokens, however, should be withdrawn from circulation, and in consequence of the rise of silver, the other currency should go to the melting pot, they might still probably be again obliged to have resource to the Bank to issue a coinage of their own. He thought that in these matters a great want of foresight prevailed—they did not even grope their way—they took no measures to avoid the danger, but allowed themselves to run blindly on it. It was probable we should soon lose our silver coinage, and the expense to which that coinage had put the country.

General *Thornton* thought that if the bank tokens were excluded from circulation, local silver tokens should be excluded also; but he thought it useful that the local tokens should be kept in circulation. He never heard that any had been forged.

Mr. *J. Smith*, though not aware that the price of silver was so high as had been represented, thought that under circumstances it might rise higher. The loans at Paris might materially affect it; but he derived consolation from another point. He had for many years observed the conduct of the Bank of England, and he thought that corporation had the means and used them, of influencing the state of the currency. He thought they possessed those means now, and could protect the public by affording a check to the exportation of bullion. He conceived the present bill might be of considerable service.

Sir *M. W. Ridley* said, that if the receivers of taxes remitted the bank tokens directly to London, considerable relief, would be given to the public; but if after receiving tokens for taxes, they paid them into the country banks, the relief would fall short of the general expectation. He could not help thinking it adviseable that they should be allowed to circulate for a longer period.

Mr. *Grenfell* thought the effect of the bill would be, to continue the circulation of tokens without restraint, as no penalties were attached to the future circulation of them. They might not only be received for rent, but be also immediately put into use again, unless a penalty were affixed. However, if it should be otherwise, and silver should not rise, in what mode were the tokens to be transmitted to London? It was incumbent on government to bear this expense, and not to thrust it on gentlemen. It had been said, that government was not concerned in the issue of these tokens, and therefore ought not to defray any expense attending them. He was of a very different opinion, and thought it the duty of government to assist in carrying on the ordinary exchange of the country. The expense would not, perhaps, be considerable; it might not exceed $\frac{3}{4}$ per cent for forwarding the tokens from all parts, but that expense ought to fall on government, and not on the country bankers, especially as they had been so active, and had afforded such facilities in the distribution of the late coinage.

The *Chancellor of the Exchequer* said, he was not prepared for the observation of the hon. gentleman as to the rise in the price of silver, because in many instances he believed it had fallen. If it should rise considerably, he thought there might be some difficulty; but he conceived the only way to preserve the Mint currency, was to remove this rival currency from circulation. Hitherto it had produced no inconvenience; but he apprehended the tokens might drive silver into the melting-pot, if a crisis should occur when such a course might prove to be profitable.

Leave was given to bring in the bill.

HOUSE OF LORDS.

Tuesday, March 3.

Indemnity Bill.] The order of the day being read for going into a committee on this bill,

Lord *Holland* rose, but not, he said, with the intention of resisting the motion. There were, however, two or three questions which he thought it right previously to ask, the answer to which might perhaps enable their lordships to proceed with more precision and dispatch when in the committee than they could otherwise do. His present purpose was not to discuss either the principle or the details of the bill; but as their lordships were about to go into the committee, it was important to know what was the object which they had there to carry into execution; for, after all the discussion which the subject had undergone, there were still some points with respect to which the intention of those who had introduced the bill was very obscure. On one or two of the grounds on which they rested the measure, they seemed to be at variance with themselves. It had been said, that precedent was followed in the present case; but if it had been the object of the framers of the bill to establish it on precedent, the result of their labour was not consistent with their intention. All former acts of indemnity in this country had acknowledged or implied that certain illegal acts had been committed, and on the ground of that illegality the indemnity was granted; but the present bill, according to the assertions of those who supported it, the report of the committee, and its own preamble, came before their lordships with the allegation that no illegal act had been done. The report which had been made by their lordships' committee stated, that the persons who had been taken into custody had been arrested on oath. According to all the assertions and allegations, there had been no illegality; and if there was no illegality, there could be no need of indemnity. But it was said, that if ministers should be called upon to justify themselves in courts of law, they would be obliged to produce evidence which it would be improper to disclose. He could not say, that it might not be possible that a bill on this subject was requisite; but then the object of such a bill could not be indemnity. It was, then, proper that their lordships should know, before they went into the committee, to which of these objects their attention was to be directed, or whether it was to be expected of them that they should accomplish both objects. What were they to be called upon to do? Surely the same clauses and words would not answer for the different objects he had pointed out. If all the proceedings had been legal, what danger could there be in disclosing the evidence on which the arrests had been made?—There was another point which also appeared to him worthy of their lordships' consideration, namely, how far this bill flowed as a consequence from the suspension act of last session. It had been asked, how their lordships could suppose that the Habeas Corpus should be suspended without this bill becoming necessary? He must confess that he had not seen this natural consequence; but if it really existed, ought it not to be their lordships business to make out that connexion in the committee? The bill, as it stood, contained no reference to the suspension act from which it was said to spring. The preamble declared that a traitorous conspiracy had existed, and that numerous persons had tumultuously assembled, &c. and stated acts to have been done, which, under the supposition of all the proceedings being legal were proper to be resorted to. The bill, however, did not declare that these acts had been done in consequence of the suspension of the Habeas Corpus. This bill, therefore, applied generally to all arrests, and was, in that respect, more extensive in its application than the measures which were said to have given it origin.—Another difficulty here arose in considering this bill, which, instead of being founded on precedent, differed in one material respect, not only from all the old bills of indemnity in this country, but from that of 1801, which had been so often alluded to, inasmuch as it granted indemnity, not only for arresting and detaining persons, but for discharging. Have prisoners, then, been illegally discharged? It would become their lordships well to consider what might be the effect of the introduction of this word into the bill, not merely with respect to the protection of ministers, but to the future security of the persons to whom it applied. If ministers, or the magistrates who, under them, carried the Habeas Corpus suspension into execution, had acted legally in discharging prisoners, they would stand in no need of indemnity. They could have no fear of producing evidence to show that they had acted according to law in setting the persons they had arrested at liberty. It was necessary, however, to call their lordships attention particularly to this circumstance, as it appeared that there were cases in which the discharge of prisoners by the magistrates might be illegal. In stating this, he wished to refer their lordships to a case which occurred in Hilary term, 1788, before Mr. Justice Ashhurst, Mr. Justice Buller, and Mr. Justice Grose. The case was intituled, Morgan *v.* Hughes. The plaintiff having been accused of felony, and discharged, brought his action for malicious imprisonment against the justice of the peace. The declaration of the plantiff stated that he had been "discharged." Upon this a special demurrer was entered, setting forth that it did not appear by the declaration, that the plaintiff had been tried and acquitted, or discharged by due course of law, and that it did not therefore appear that the commitment was without cause. The declaration, in fact, must state, that the prosecution is at an end; for a person aggrieved cannot bring an action, without showing that he has been discharged according to due course of law, either by a grand jury throwing out the bill of indictment preferred against him, by acquittal on trial, or by a *noli prosequi.* Their lordships would therefore perceive, that the extension of the bill to cases of discharge was of itself an indemnity to ministers. That this was the unavoidable consequence of the introduction of that word into the bill, was evident from the judgment given in the case to which he had alluded. Mr. Justice Buller on that occasion said, "The grounds of a malicious prosecution are, 1st, that it was done maliciously; 2dly, without probable cause. The want of probable cause is the gist of the action; for it should have showed on the face of the record, that the prosecution was at an end. Saying that the plaintiff was 'discharged' is not sufficient: it is not equal to the word 'acquitted,' which has a definite meaning. Where the word acquitted is used, it must be understood in the legal sense, namely, by a jury on the trial. But there are various ways by which a man may be discharged from his imprisonment, without putting an end to the suit. If, indeed, it had been alleged, that he was discharged by the grand jury's not finding the bill, that would have shown a legal end to the prosecution." The other judges were of the same opinion. After what he had stated, and, in particular, after having recited this decision of the court of King's-bench, he thought it right that their lordships should be informed on the following points:—1st, Whether a person discharged by authority of the secretary of state, without any bill of indictment against him having been thrown out by a grand jury, or acquittal on trial, or on a *noli prosequi,* can be held to be discharged according to law. 2nd. Would a discharge by the secretary of state prevent the person from being again arrested on the same charge? 3rd. Could a person discharged by the secretary of state insert in his declaration, on bringing an action, that there was an end of the suit against him? These were important questions, and he thought them worthy of their lordships' consideration on grounds totally independent of the bill before them.

The *Lord Chancellor* wished, in the first place, to observe, that he did not consider himself so great an adept in the criminal law as to be always prepared to give their lordships a satisfactory opinion upon every difficulty that might be started. In the present case, he must also confess, that he could not recollect the terms of the question which the noble lord had put with sufficient precision, to enable him to give it a full answer, were he in other respects capable of so doing. With regard to what had been said as to this bill being founded on precedent in all its provisions, he certainly had never so argued it. He had on the contrary observed, that when the Habeas corpus was suspended in the reign of king William, it was distinctly acknowledged in the bill of indemnity, that illegal acts had been committed; but it was at the same time declared, that these acts were so necessary for the safety of the country, and the preservation of the constitution, that it was fit no persons should be put to the expense of defending themselves in suits which might be brought for their commission. The principle of the act of 1801, though different, was a just principle also. It was this—that the names of persons who had given information should not be disclosed. Whether that principle was to be, *bonâ fide*, in any particular instance maintained, depended on those to whom the constitution had given the right of deciding on such questions. What their lordships decision on this point ought to be, it would be for them to consider in the committee; but if that principle was one which ought to be acted upon, there was another which possessed a claim not less urgent on their lordships' attention—he meant the protection of the magistrates who had executed the laws. In a case in which there had been a probability of a general rising against the government, it was obvious that great numbers of persons would be arrested. To leave the individuals who had caused these arrests to contend with the multitude of actions which might be brought against them, would be to allow them to be overwhelmed and crushed with an incalculable expense. As to the chief point in the noble lord's question, he should consider it most contemptible conduct in him were he to withhold from their lordships any information on a legal point which he could give. He would therefore state his opinion, for which such allowances should be made as his practice confined to courts of equity required. Though he thought the word "discharged" highly proper and necessary, he was not aware that it had been inserted in the bill until the noble lord had referred to it. It certainly appeared to him a point of great importance, and in stating what at the present moment occurred to his mind on the subject, he could only say, that he did not think a man discharged in the way described by the noble lord would be discharged according to law. But this formed precisely a case in which the magistrate ought to be protected. If, when a rising against the government was apprehended, a magistrate arrested on information a number of persons suspected to be engaged in such a treasonable design, was he to be punished for discharging those persons when the danger was over, and when he conceived that he had no longer any right to detain them? Surely, no clearer case for granting indemnity could be suggested. He knew what he should have done on such an occasion. He would have pursued the very same course that had been adopted. When persons taken into custody were delivered on recognizances, it had been usual to bind them to answer, from time to time, in the King's-bench. If that was illegal it had been illegal ever since the law of the country had been administered. He had himself had the honour of filling the offices of attorney and solicitor-general—he should say, perhaps unfortunately for himself, for no situation was so pleasant as that of a private barrister, and none so full of anxiety as that of solicitor or attorney-general; but he was always in the practice of going from term to term and respiting recognizances; and no persons had ever sat in the courts of justice who understood the laws better than those who presided during the time he alluded to. He could give no better answer than he had done to the question of the noble lord; but he owed it to the kindness of the House, and to the indulgence he always experienced, to give on all occasions the best answer in his power. If it were explained to him, and he were satisfied he was wrong in what he had stated, he should be ready to give any farther information in his power.

The House then went into the committee.

The *Lord Chancellor* proposed, that the House should consider the preamble first, instead of postponing it as usual, because it was closely connected with the enacting part of the bill.

The Earl of *Lauderdale* observed, that if the House was to set aside all precedents, and rely on the argument of the learned lord, he must say that argument had no great weight with him. The meaning of a preamble was to explain the object of a bill; but how could it assume to do this before it was decided of what clauses the bill should consist? Here the learned lord, contrary to all usage and meaning, called on the House to consider the title and preamble of the bill, before the various clauses had been decided on.

Lord *Redesdale* contended, that it would materially serve the convenience of the House to proceed first to the consideration of the preamble, because the preamble was intimately connected with the enacting clauses, and would, in fact, be necessary as a point of reference to explain many of the objects to which those clauses were directed.

The Earl of *Carnarvon* admitted that there was a close connexion, grammatical as well as substantial, between the preamble and the enacting clauses, but the question was, whether in proceeding to pass an objectionable bill of this description it would be more proper, as well as more convenient, to go to the enactments in the first instance, and afterwards to suit the preamble to them, or to fix the preamble first and then proceed to the enactments, shackled and embarrassed by that previous step. This was a point of great constitutional importance. For his own part, he could see no objection to the ordinary mode of postponing the preamble, and he hoped they would not be called upon surreptitiously to recognise principles in that which when they came to the enactments themselves, many noble lords might be disposed to question and to resist.

The *Lord Chancellor* said, that in many acts the preamble was a mere form, reciting the object of the enactments that were to follow; but the present was so materially connected with the substance of the bill itself, as to render its postponement inconvenient. How, for instance, could they decide upon the propriety of the clause which referred to tumultuous assemblies, without looking to the preamble to see what was meant by tumultuous assemblies? Every meeting which took place in the course of the last two years was not to be concluded as necessarily of a tumultuous character. The preamble, therefore, in which the precise description was marked out, would seem to come naturally in order before those parts of the bill which would require to be referred back to it in order to be understood.

Lord *Grenville* contended, that when the House departed from what was usual, there ought to be some strong ground for doing so, particularly in questions of this nature, where interests so serious were involved. He was not aware of any advantage that would be gained in point of accuracy or precision, by omitting to postpone the preamble as usual; for when the preamble was postponed, every member bore in mind that the enacting clauses would ultimately refer to it. The reason of the practice of postponing the preamble was, that the House could not be presumed to know beforehand whether the various enactments agreed to, or introduced, would all agree with the preamble or not. When the committee had determined what agreed with the preamble, and what not, they might then be in a condition to know what the preamble ought to be.

Lord *Redesdale* said, it was only for the convenience of the committee he proposed its immediate consideration. If the general feeling was in favour of its postponement, he should have no objection to the adoption of that course.

The question was then put for postponing the preamble, and agreed to. The first clause being read,

The Earl of *Lauderdale* moved as an amendment, that the 4th of March should be substituted for the 1st of January, as the period to which the operation of the Indemnity act should extend. In stating his reasons for proposing this amendment, his lordship observed, that the noble lord who introduced the bill had described it as a species of corollary dependent on the suspension act of last year. It was true that another noble lord had attempted to explain away the expression, but not in a manner satisfactory to his mind. What he wanted now to understand was, whether the Indemnity bill was a consequence of the suspension of the Habeas Corpus; for if it was, the indemnity should extend only to the period at which the suspension had commenced, and not, as the present bill was drawn, to a period long before it. The Suspension act was passed on the 4th of March 1817, but this bill was dated from the 1st of January. If such bills were to pass with this kind of latitude, they would render the suspension of the Habeas Corpus act altogether unnecessary; for here was a bill which not only legalized all acts done under the suspension act, but many that were not countenanced by that measure.

The Earl of *Liverpool* said, he should not now enter into the reasons why he differed from the noble lord in his application of the expressions used on a former night; but with respect to the amendment, he would ask, whether it was not probable that many acts might be done while the suspension bill was in its progress, to which it might be proper to extend the indemnity now proposed? The Habeas Corpus act could only be suspended in cases of serious and important danger. The very circumstance of its necessity, the very danger which obliged ministers to come to parliament and ask for such an extraordinary measure might render it incumbent on them to act in the interval on their own responsibility. For this reason it appeared to be but fair, that the act should have some retrospective effect, that it should not be rendered strictly coeval with the measure, but rather with the necessity. He called upon their lordships to recollect what had passed on the first day of the session, when a dreadful outrage was committed against the sacred person of an illustrious individual. Might it not have been necessary to arrest some persons suspected on that occasion? When also they remembered the subsequent acts on which this measure of suspension was adopted by parliament, would they not admit that it might be necessary to take some steps for the apprehension of those concerned? But abandoning the particular case, he should make his stand upon the general principle, that government might, upon its own responsibility, under circumstances of imminent danger, take steps for the general security of the kingdom before parliament had passed the bills, which parliament would afterwards be bound in strict justice to recognize. However, as he was not aware that any acts of this nature had been done antecedent to the meeting of parliament, he should have no objection to limit the operation of the bill to the 26th of January, the day before parliament met.

The Earl of *Lauderdale* acceded to this proposal, and took credit to himself in so doing, for an act of kindness to ministers, as it would be an awkward thing to oblige them to confess that they had neglected calling parliament together while such acts were going on—an inference which would be unavoidable, if he insisted on his amendment in its original shape.

The amendment, substituting the 26th of January, was then agreed to.

Lord *Holland* said it was his intention to move that the word "discharged" should be left out of the bill, but in consequence of what had fallen from the noble and learned lord, he was induced not to press that motion. But if it was right that the magistrate who had irregularly discharged persons from confinement, should be indemnified by parliament, it was also right that the person so discharged should have the advantage of a full discharge according to law. If therefore it was deemed necessary for the protection of the magistrates, that this word should be retained, he hoped they would admit the introduction of a proviso into another part of the bill, securing the advantage he had described to persons in such a situation.

The Earl of *Liverpool* replied, that two principles were applicable to the bill; one, to prevent the disclosure of testimony on which the magistrates had acted; the other, to indemnify them for certain steps they had taken when the country was in a state of insurrection. In Derbyshire, a large body of men had assembled to proceed towards the metropolis. Now, no person, whatever his opinion might be respecting the Suspension, could say that it was not the duty of the magistrates, under that act, to prevent such a purpose, and in furtherance of the act, to detain individuals, and afterwards to release as many as they could without danger to the public tranquillity. The question, therefore, was, whether under such circumstances they could properly discharge such as had been arrested, without further proceedings, though, perhaps such discharge might not be strictly legal? If any question was more clear than another, he thought it was the propriety of the apprehension of these persons in a moment of considerable danger, and the release of them as soon as was consistent with the public safety. He thought this must appear on all sides the least exceptionable part of the bill.

Lord *Holland* agreed, that this was the least exceptionable part of the bill; but the House had now heard it avowed, for the first time, that this bill was not passed for the sole purpose of preventing unpleasant disclosures of evidence, but really to cover acts in themselves strictly illegal. The noble lord had announced his opinion, that the magistrates, in these discharges, might have acted illegally; but if they did so, parliament, it was alleged, ought to bear them out. This was no answer to the question he had put respecting the situation of persons so illegally discharged. These persons could not bring any action for damages, without averring on the record, that they had been duly discharged, so that they were at present deprived of the very right of seeking for redress. If they were discharged at all, they ought to have received their discharge in a way that would give them the rights that all Englishmen ought to possess. If these rights could be secured to them by any clause, he was ready to indemnify the magistrates; but if not, he thought the magistrates ought not to be protected at the expense of those who had been aggrieved. The only way in which the latter could regain their rights, was by proceeding in a court of law, to question the regularity of the proceedings in their committal; and if they were not regularly discharged, a clause must be introduced to give them the benefit of such a discharge before they could proceed at law. Should such a proviso be framed, would the noble lord object to it?

The Earl of *Liverpool* suggested, that the noble lord should first prepare his amendment; they would then be more competent to give an answer.

Lord *Erskine* said, that he felt as much as any man the justice, and, indeed the necessity of protecting magistrates in the honest discharge of many difficult duties. Before the act of the 41st of the king, if a conviction by one or more magistrates was afterwards quashed as being contrary to law, they were subject to actions or even indictments as the case might be: but this was remedied, and properly remedied by the statute. When regard was had to the various and complicated jurisdictions of the justices out of sessions, requiring often a very deep knowledge of the law, nothing could be more fit than that they should be protected when they acted to the best of their honest judgments; but the parliament of that day knew too well its duty to extend the protection farther, and therefore, though after a conviction was quashed for error, no action of trespass could be maintained, yet the convicting magistrates were left liable to an action on the case, if they acted maliciously and without reasonable or probable cause. He should therefore propose hereafter a similar provision in the bill now before them; as, if it were to pass as it stood, the most atrocious and notorious outrages might be unpunished. He was aware that the preamble of the bill would be objected to him, and that he should be told the protection was not intended to screen magistrates or others who had acted unjustly; but because they could not defend themselves without injury to others, even when their conduct had not only been just, but highly meritorious. To that objection he could only answer, Let such a shocking preamble be amended, which laid down a doctrine never to be found till this hour in any English statute.—Good God! exclaimed lord E. to what condition were we reduced! Whilst order was overborne by violence, and the most honest informer might be at the mercy of the guilty, informations for such a season might be secret, but after it was completely restored, and the law in its usual force, what principle could be stated to justify this absolute inversion of the whole spirit and practice of magistracy, informations being always publicly returned to the courts of justice.—But the bill as it stood went much farther than even the false principle of secrecy would justify, because it protected magistrates and others, even for the most open outrages, upon no informations whatsoever, and when a thousand witnesses might be produced to prove them, who desired no secrecy to protect them.—What could be said to cases of this description? Was it possible to make the public safety the foundation of a measure, which destroyed the safety of every individual of whom that public was composed? The best measure the legislature could at any time resort to for the public safety was, to secure the liberties and the privileges of the people. Without that they might put down insurrections, but the hostile mind would remain; and all the securities which flowed from a free constitution would be lost. The clause which he intended to propose when he had drawn it up in form, would be in harmony with the general law, and would in no shape effect indemnities, unless in cases to which no man would be hardy enough to say, that they ought to be extended, the false pretext of secrecy being the only possible cover for its universal and unprecedented extension.

The Earl of *Lauderdale* called the attention of the House to the benefit they had derived from an adherence to their regular forms. If the preamble had been agreed to in the first instance, as was proposed, it would have given a complexion to the bill totally different from what it now appeared to be on explanation. The preamble described its object, merely as intended to prevent the improper disclosure of evidence, but another object had since been avowed, which would render an alteration of the preamble necessary, in order to make it conformable with the intention and spirit of the enactments.

The *Lord Chancellor* repeated the argument, that if magistrates discharged persons illegally, they would require to be indemnified. The grievance which arose out of such a measure was that of preventing persons who were innocent from bringing their action. It was the spirit of the clause that the magistrates should not suffer for an act of lenity, so that any proviso introduced in behalf of the persons discharged, should be considered with reference to the magistrates as well as to those persons. If a proviso could be so formed as to accomplish the one purpose without defeating the other, he was sure there would be no objection to its immediate adoption.

The Marquis of *Lansdowne* moved for the omission of those words in the bill, which went to extend indemnity to magistrates for arresting persons in tumultuous assemblies. The principle of the bill was to indemnify for acts dangerous in themselves, but justifiable for reasons of state, which could not be disclosed in evidence. Could any of the arguments that rested on this necessity of secrecy, be applicable to the case of persons taken in tumultuous and disorderly meetings? Why should the magistrate be prevented from proving his own justification in this case? He would admit that the magistrates who acted last year, were entitled to protection, but he was sure they would rather defend themselves in an open and avowed manner, where it could be done with safety to the public, than escape within the pale which that act threw over them.

The *Lord Chancellor* contended, that such an exemption would expose the magistrates to actions from every individual arrested in tumultuous assemblies. That in itself was a great evil. Besides, the magistrates would have a right in their defence to enter into the information they had received as to the objects of the meeting which would lead to the disclosure objected against.

The Marquis of *Lansdowne* observed, that there were but few persons committed for such an offence; the cases therefore would not be so numerous as was apprehended, and the mere proof of the fact that it was a tumultuous assembly would be a sufficient justification of the magistrates, without any farther disclosure.

The *Lord Chancellor* said, that many might represent more force to have been used than was necessary to disperse the meeting, the only means of rebutting which would be to enter into a disclosure of its nature and objects.

Lord *Holland* observed, that if the argument of the learned lord were good, whenever a tumultuous assembly was dispersed, the magistrates by whom they were so dispersed must have recourse to parliament for an act of indemnity. He denied the principle, as it would go to overturn the whole law of the country.

The *Lord Chancellor* said, that the bill before their lordships was not general, but contemplated a case of an extraordinary and special nature, in which it was indispensably necessary to protect the magistrates who were connected with it.

Lord *Holland* allowed, that an extraordinary and special case ought to be decided on its own merits, but maintained, that the former argument of the learned lord was applicable to the case of all magistrates who dispersed tumultuous assemblies.

The Earl of *Liverpool* admitted, that in the act of 1801 there was no provision of the nature under consideration, the reason of which was, that although many persons having been taken up on suspicion of high treason and not afterwards brought to trial, parliament thought right to pass an act of indemnity to protect ministers, yet at that period there was nothing like insurrection, which demanded a measure of this nature with reference to magistrates. In the late occurrences not only had persons been apprehended under the warrant of the secretary of state, but insurrections of a formidable nature had taken place, which required the interposition of magisterial authority. Large bodies of people were taken up by order of the magistrates—in one place no less than 250—with a view to prevent the farther progress of the meetings of the 10th of March. This having been the state of the country, would parliament act fairly by the magistrates, if it did not protect them from vexatious suits? Their lordships should never forget that the preservation of the public peace depended on the voluntary efforts of these respectable gentlemen, who were generally unpaid, and who came forward independently to discharge duties of the highest importance, attended in many cases with great personal risk, and which therefore entitled them to the protection of the legislature.

The Earl of *Carnarvon* observed, that the arguments of the noble earl and of the learned lord went to prove that an act of indemnity was necessary on every occasion in which the magistrates exerted themselves to preserve the peace of the country. Did the noble earl mean to say, that the magistraes last year exceeded their powers, and that they therefore came to parliament for indemnity? If so, and if the necessity was manifest, that indemnity parliament would not refuse. But he denied that it was to be taken for granted that when magistrates exerted themselves in the case of tumultuous assemblies, they necessarily violated the law, and must have an act of indemnity to protect them. He supported the amendment not because, he thought indemnity unnecessary, but because in this, as well as in other parts of the bill, their lordships were legislating in the dark.

The amendment was negatived.

Lord *Erskine* said, he would now move the amendment he had before mentioned, which was only to place all magistrates and others as, but for this bill, they would stand by the general law of the land. By the 41st of the king, though a conviction were quashed for error in fact or in law, magistrates, though protected when acting honestly, were still liable, if they acted maliciously, and without reasonable and probable cause. It never was heard of in England, that any magistrate or other person of any description whatsoever, could act with malice to the injury of another without a most severe and exemplary visitation. He wished, therefore, after the clause, "That every person by whom any such act, matter, or thing shall have been done, or commanded, ordered, directed, or advised to be done, shall be freed, acquitted, discharged, and indemnified, as well against the king's majesty, his heirs and successors, as against the person and persons so apprehended, committed, imprisoned, or detained in custody, discharged or dispersed, and all and every other person and persons whomsoever;" the following proviso should be introduced:—"Provided always, that nothing herein contained shall extend, or be construed to extend, to any act, matter, or thing, done to any person whatever, if committed maliciously, or without reasonable or probable cause."—As the bill stood at present, putting aside every case where necessary secrecy of information could have any possible application, no magistrate nor any other person could be impleaded or questioned, though he had acted with the most palpable malice in the presence of a thousand witnesses, who desired no secrecy, being ready to come forward to prove it. This error, so affronting to common sense, was all he desired to rectify. Let honest error of every kind be still protected, and let secrecy be maintained within its proper boundaries, as to time, that is, whilst the Habeas Corpus was suspended, on account of dangers from the laws being supposed to be overpowered, but not after order was completely restored, and still less, in cases where no secrecy was required by witnesses, nor could in any shape apply to the testimony they had to give. He desired once again to repeat, that the public safety which in every country must stand upon the affections of the people, could never be maintained by sanctioning private wrongs, and by the denial of justice.

The *Lord Chancellor* said, that the answer which he had to make to his noble and learned friend was very short—it was simply this, that the clause which he proposed would nullify the whole bill. If their lordships did not choose to agree to a bill of indemnity, let them say so; but if they did agree to it, let them make it effective. Were an action allowed to be brought against a magistrate on the ground of his having been influenced by malicious motives, he could not defend himself without stating from what source he derived the information on which he had proceeded. His noble and learned friend said, that the country was now tranquil, and that no danger would result from such a disclosure. But whatever might be its effect on the peace of the country, what effect did their lordships think it was calculated to have on the peace of the individual who had furnished the information? The principle of the clause was, that admitting that illegal acts had been committed, it was fitting that the magistrates should be protected, not only against vexatious suits, but against suits which might be otherwise so numerous, that however complete the defence of a magistrate might be against them, his efforts might be paralyzed by their repetition. No such exception as that proposed by his noble and learned friend, was to be found in any preceding measure of a similar nature. His noble and learned friend, with that love of his country by which he had always been distinguished, exhorted their lordships to take care of the liberties and feelings of the people. God forbid that any man in that House should, forget that that was the principle by which all their proceedings ought to be regulated. But they should at the same time recollect, that they ought not to destroy all authority for the sake of individual benefit. That for which their lordships should feel the deepest interest was, the public safety. The public safety ought to be secured with as little injury towards individuals as possible; but without being afraid of adopting even harsh measures towards individuals, if such measures were rendered necessary for the preservation of the state and the constitution. Those felt the most for the people who were anxious to protect the great mass of the people from the machinations of the few, who sought the destruction of the whole system of government.

The Earl of *Rosslyn* could not consent to the sacrifice of the rights of so many persons for the sake of protecting a few magistrates from actions. It seemed admitted, that some alteration in the preamble was necessary, inasmuch as it did not state the true object of the measure, which was not merely to prevent disclosures, and to protect those who gave evidence on which magistrates had acted, but also to cover with a shield the magistrates themselves, however unwarrantable and illegal had been their proceedings. The noble and learned lord had given no sufficient answer to what had fallen from the noble mover of the proviso, who was anxious not to expose magistrates who had acted *bonâ fide*, but to open the courts of justice against those who had availed themselves of their authority to oppress and imprison individuals. The noble and learned lord had stated most truly, that by the indemnity acts of William 3rd, of 1715, of 1746, and those that had passed since, illegal acts which had been committed, were indemnified. It was the only justification of an indemnity bill, that when, to preserve the peace of the country, the law had been violated in particular instances, those who, from a sense of public duty, had committed the violation, should be protected against the consequences of their conduct; but in this case it had been averred that no illegal acts had been done, and that an indemnity was intended only to prevent actions, which, if proceeded in, might lead to disclosures inconsistent with the public safety. Where, therefore, malice was offered to be proved against magistrates pretending to act for the public good, no indemnity should be allowed to prevent the plaintiff from proceeding, or shut the doors of justice against him. In the first Irish indemnity act, this principle was recognized, and the distinction between illegal and malicious arrest or detention was established, though the act had been afterwards altered.

The amendment was negatived.

The Marquis of *Lansdowne* proposed, as an amendment, to leave Ireland out of the bill, and to retain only the words "in that part of the united kingdom called Great Britain." The provisions of the Suspension act did not extend to Ireland, and that country should therefore be excepted from those of the Indemnity bill.

Lord *Sidmouth* said, that the indemnity had no reference generally to Ireland, but the name of that part of the united kingdom was necessary to be retained to meet a special case. A suit might be instituted in the courts of that country, at the instance of a person who was apprehended there for acts done in Great Britain, and it was necessary therefore to protect the magistrate who had executed the warrant of arrest.

The Marquis of *Lansdowne* said, that a clause should be introduced to meet the special case, rather than Ireland should remain under the general provisions of the bill.

Lord *Sidmouth* said, that he had no difficulty in alluding to the case. A warrant had been issued against an individual who had fled to Ireland. He was apprehended in that country, and unless Ireland remained in the bill, the magistrate who executed the warrant would be liable to an action.

Lord *Holland* warmly objected to the introduction of Ireland into the bill. Let the particular case be named, however objectionable, rather than leave the exception general. He believed the magistrates of Ireland, like the magistrates of Great Britain, were active and, generally, exemplary in the discharge of their duty. He did not mean to speak of them with the slightest disrespect; but he too well knew the state of that country, not to feel that a general bill of indemnity for acts done by the magistrates in Ireland, would be a bill of indemnity for many acts of atrocious outrage. After the act of indemnity in Ireland, which followed the suspension of the Habeas Corpus in 1797, an action was brought in that country by a person of the name of Doyle, against an individual whose conduct he (lord Holland) had the misfortune to bring the other evening, under their lordships consideration, a sir Judkin Fitzgerald, accusing him of acting in his magisterial capacity with malicious motives; and, although the act of indemnity was in force, Doyle obtained a verdict, and sentence was about to be pronounced. In order to save this gentleman, if gentleman he was, another indemnity bill, with a sweeping clause, was passed by the Irish legislature. He knew not if the bill then before their lordships would screen such acts as that to which he had just adverted. But when it was notorious that for the last five and twenty years there had not been a year unproductive of deviations from law on the part of some of the magistrates of Ireland, their lordships ought to be cautious how, for the purpose of meeting an unknown and conjectural case, they agreed to a clause which might deprive the Irish people of their redress for such injuries. The remedy ought not to extend beyond the evil, and the indemnity ought to be confined to the particular case in question.

The Earl of *Liverpool* did not think that the principle of indemnity would be construed so broadly as to include any case but the one contemplated. He should, however, have no objection to an amendment, on the third reading, that would limit the operation of the act as it regarded Ireland to the special case contemplated. The history of that case was this:—a man of the name of Benbow, whose petition had been laid on their lordships table, had fled to Ireland, with the hope of obtaining there the means of being conveyed out of the country. A warrant was issued from this country for his arrest; and he was taken up in Ireland for acts done here, and not for any acts performed there. The magistrate who had executed the warrant in Ireland was liable to an action in the courts of that country. It was necessary, therefore, for his protection, that Ireland should be introduced into the provisions of the present bill. This clause, however, extended no indemnity to magistrates in Ireland, where the suspension did not operate, for any arrest they might have authorized for acts done there.

After some further conversation, the amendment leaving out Ireland, was agreed to, on the understanding that on the bringing up of the report a special clause should be inserted embracing the case alluded to.

The Earl of *Carnarvon* protested against the payment of double costs by the plaintiffs in such actions as might have been already commenced, without any anticipation of this act. He proposed that the infliction of double costs should be confined to all actions brought after the passing of the act. This would not interfere with the indemnity.

The *Lord Chancellor* said it was his intention to propose that the plaintiffs in any actions which had been commenced before the 27th of February, should not be liable to any costs.

Lord *King* was desirous that the infliction of double costs should be entirely withdrawn from the bill. Why, in addition to the evil of a deprivation of redress were the unfortunate individuals who had been illegally treated, to be punished with the penalty of double costs? Suppose a person were apprehended on a malicious and groundless information, that he suffered a long imprisonment, and was utterly ruined in consequence. This was not an imaginary case. It was that of an individual in Ireland, who had been already alluded to, of the name of Doyle, on whom the most horrid tortures were inflicted by a sir Judkin Fitzgerald, against whom he brought an action; but, in consequence of a second act of indemnity (the first not having been found sufficiently operative), he was defeated, and cast in 750*l.* costs, which proved his utter ruin. Conceiving that the words "double costs" conveyed as much injustice as two words could import, he moved to omit the word "double."

The *Lord Chancellor* observed, that the next provision of the clause enacted that those who had commenced actions, but who stayed proceedings, would not be liable to any costs. The double costs were to be imposed only on those who, notwithstanding parliament had taken from them the ground of action, still proceeded.

Lord *Holland* allowed that the provision just described by his noble and learned friend was commendable, but contended, that the principle of inflicting double costs in such cases was unjust in itself. In an act like that under consideration, and which was extorted from parliament only by necessity, they should be cautious not to go one tittle beyond that necessity.

Lord King's amendment was negatived. The lord chancellor then proposed his amendment, to exempt those from the payment of any costs, who might have commenced their actions before the 27th of February.—Agreed to.

The Earl of *Carnarvon* proposed a new clause, framed for the purpose of limiting the operation of the bill to those cases in which the interference of the legislature was indispensably necessary. It was stated in the preamble as the ground of the measure, that the production of evidence in defence against actions, might be dangerous to the parties who had given the information on which the acts prosecuted had proceeded, as well as to the general safety. The object of his proposed clause was, to deprive any person of a right of action, whenever the secretary of state should make an affidavit before a judge, that the action could not be defended without danger to individuals, and injury to the public service. The way in which he intended to effect this was, by enacting, that before the commencement of a suit, the solicitor of the party should give notice to the secretary of state, and if the secretary of state made no affidavit, such as he had described, in the course of a month, the information should be produced, and the proceedings should not be stayed; but that if the secretary of state made the affidavit within the month, then the action should be immediately stopped. Unless some proposition of this nature were adopted, the most oppressive acts would escape with impunity, even when not the slightest ground could be alleged for preventing an action.

The Earl of *Liverpool* replied, that the effect of the noble earl's clause, if passed into a law, would be to subject all the magistrates in the country, and all persons who had acted under them, to the discretion of the secretary of state, to determine whether or not actions might be brought against them. Nor that alone. The act for suspending the Habeas Corpus vested in the privy council, as well as in the secretary of state, the power of granting warrants for the apprehension of suspected persons. The privy council, therefore, would also be subject to a similar discretion on the part of the secretary of state. And who was the secretary of state? His noble friend might not always be in that office. One of the noble lords opposite, in the event of any change in his majesty's councils, might fill that situation, and it would then be to be submitted to that noble lord, whether actions might be brought against his noble friend? Parliament had adopted the only proper course under such circumstances, by appointing committees, which had investigated all the cases of apprehension that had occurred. He was persuaded that his noble friend had, in no instance, issued his warrant for the apprehension of any individual, which instance he would not readily submit to the examination of any parliamentary tribunal, acting under the seal of confidence, in order that they might determine whether or not he had been actuated by motives of public duty alone.

The Earl of *Carnarvon* contended, that unless his clause were acceded to, the evils growing out of this act of indemnity would be much greater than the benefits resulting from it. The noble earl had said, that if the secretary of state were changed, the discretion would rest with another individual. Certainly; and so it ought; for the secrets of the office would be in the possession of that other individual. It was only by the adoption of some provision, such as that which he proposed, that he could be brought to consent to the great anomaly in British jurisprudence, of shutting the courts of justice against the injured and oppressed. He would not at present trouble the committee by pressing his clause, but he gave notice that he would re-introduce it in the ultimate stage of the bill.

The clause was negatived.

The Earl of *Lauderdale* said, he did not expect that the amendment which he was about to propose, would meet with a better fate than those which preceded it; but still he would persevere. Notwithstanding the observation of the noble and learned lord, he could not help thinking that, as the report was, in fact, the ground and origin of the bill, so the language of the latter should be in conformity with that of the former. With this view he had selected a passage from the report, which he would beg leave to substitute for the first clauses of the present preamble. The sentences which he would read were not filled with all the words of unnecessary recital which incumbered the report itself; but he pledged himself that he had not added one word of his own. Instead of the preamble as it now stood, he would propose the following:—“Whereas, on the 9th of June last, a rising took place in Derbyshire, and the insurgents were not formidable for their numbers; and whereas it was pretended that the state of Nottingham was favourable to their designs; and whereas some persons, about 100, were on that night assembled on the race-course near Nottingham; and whereas some of them were armed with pikes or poles; and whereas they dispersed about two o'clock; and whereas the Derbyshire insurgents proposed to surprise the military in their barracks, and to become masters of the town of Nottingham; but, in the course of their march, some threw away their pikes, and retired before the military force appeared; and on the first show of that force the rest dispersed, their leaders attempting in vain to rally them; and whereas the committee have the satisfaction of delivering it as their decided opinion, that not only in the country in general, but in those districts where the designs of the disaffected were most actively and unremittingly pursued, the great body of the people remained untainted, even during the periods of the greatest distress, it has been deemed necessary to apprehend, commit, imprison, detain without trial, &c." [a laugh, and Hear, hear!] Their lordships would perceive, that he had used no words that were not in the report, and he therefore moved, that an amendment so constructed, and in every syllable warranted by their own secret committee, might be adopted instead of the unauthorized preamble now before them.

The amendment was put and negatived. After which the House resumed, and the report was received.

HOUSE OF COMMONS.

Tuesday, March 3.

POOR LAWS.] Mr. Lushington having presented the returns of the sums of money levied throughout England and Wales for the maintenance of the poor,

Mr. *Davies Gilbert* said, he had been induced about three years ago to bring in a bill for the purpose of obtaining the information now laid before the House, in the hopes of drawing the public attention to the most important subject which ever perhaps came before parliament. Unless some limit could be set to the rapid progress of the poor-rates, the ruin of the country was inevitable. Since the period in question, he was happy to say, that a committee had been appointed to inquire into the subject; and this committee had excited more attention throughout the country, and more hopes of good was expected from it than from any thing which had come before the House for many years past. He hoped the committee would not confine themselves to mere matters of regulation, but that they would grapple with the main question itself. However numerous and useful the regulations the committee might suggest, this would not satisfy the country: by attacking the system itself they would eventually do infinitely more good. But as an opportunity would soon be afforded for entering into this subject, he should not take up the time of the House longer at present, but merely move, that the papers now laid before the House be printed.

Sir *Charles Monck* said, the country would not be satisfied unless government came forward and took under its charge some radical measure for the relief of the country from the intolerable evil of the poor laws.

Mr. *Calcraft* was at a loss to know what gentlemen meant by some radical measure. If they meant that government ought to come forward and propose the abolition of the poor-rates, he, for one, would enter his protest against such a doctrine. No such measure ought to be proposed either by the government or by any other body of men in that House. The poor-rates were an evil no doubt; and that evil was still greatly increased by the manner in which the poor laws were administered. But this great evil arose chiefly out of our enormous taxation; and if the hon. gentleman, who moved the printing of the papers would but lend his aid to diminish the amount of taxation—to check the extravagance of government,—he would contribute more effectually, perhaps, than he possibly could do in any other way to the reduction of the poor-rates. No majority of parliament could say that the poor-rates ought not to be continued beyond a given time. The mal-administration of the poor laws, which no man could more regret than he did, was no argument against a legal provision for the poor. But, he would ask, had not the poor-rates been gradually diminishing? From having seen the poor-rates so high, and from seeing them fall, he was convinced they would again have them low. Gentlemen would have their corn bill—they wanted to have a high price for corn, labour low, and moderate poor rates. But these three things they could not possibly have at the same time. If corn was high, labour could not be low, without there being heavy poor-rates. The labourers and their families must eat. Low labour was, no doubt, a great advantage in agriculture and manufactures; but it ought never to be so low as not to afford subsistence for the labourer and his family, in a style suitable to his condition in life. Whether his wages were 10*s.*, 15*s.*, or 20*s.* a week, he cared not, if it procured for him that degree of comfort to which he was entitled. If they wished to check the evils arising out of the system of the poor laws, no man would go farther than he was willing to go; but if it was intended to go against the principle of the act of Elizabeth, he, for one, should protest against such an innovation.

Sir *C. Monck* wished it to be understood that it was against the abuse of the poor-laws that he had spoken, and not against any part of the act of Elizabeth which provided support for the aged and infirm.

Mr. *Frankland Lewis* deprecated all discussion on this subject, at the present moment, as premature. The subject was one of the very highest importance, being neither more nor less than the happiness or misery of a vast mass of the population. The committee had nothing so much at heart as to carry through the investigation of this matter in the most dispassionate manner, and to avoid coming to a hasty determination upon it. Perhaps, indeed, they would be blamed for their dilatory manner of proceeding; but it was better that they should err on the side of caution than on the side of precipitation. The hon. gentleman had asked, if by setting themselves against the system of the poor laws, it was meant suddenly to withdraw from the people relief from the poor rates? But it was utterly impossible that any man in his senses could entertain such a wish as to get rid of the poor-rates altogether. This was what was meant when it was said, that government and the House ought to set themselves against the system of the poor laws: the poor-rates, if they were allowed to go on increasing as they had done, would gradually absorb all the rents and produce of the country. When he said, therefore, that they ought to set themselves against the system, he said he hoped that they would take such steps as would prevent this ruin even to the paupers themselves. He should not, however, enter into the subject at present; but in the mean time he had no hesitation in saying, that the people of this country would have been incomparably happier, from the highest to the lowest, if the statute of Elizabeth had never been enacted. When he said this, he did not mean to give an opinion that relief to the poor ought to be discontinued. With respect to what an hon. gentleman had said as to the country gentlemen wanting to have high prices for their corn, and low rates for labour, he wished to assure that hon. gentleman, that there was nothing they were less anxious to see than high prices for corn and low prices for labour. If there was any thing they were more anxious to do than another, it was to effect such a connexion between the price of food and the price of labour, as would enable the lower classes to maintain themselves without any assistance from the poor-rates. The committee had had but too many instances before them of the detestable system of paying the wages of labour out of the poor-rates. They had had instances before them of farmers paying sixpence a day to their labourers, and paying them ten shillings and upwards out of the poor-rates; thus taking from others nearly the whole of the wages of such labourers. A most mischievous trade existed in this country of manufacturing goods for exportation, at a lower rate than that at which they could be made for. This was done by charging part of the wages of the manufacturer on the land, which was reaping no benefit from a trade of which it paid the cost. He would not have said a word of taxes, had it not been a second time urged, that the increase of the poor-rates arose out of the increase of taxation. Nothing in his opinion was less satisfactorily made out than the position, that the amount of the taxation influenced the number of paupers, or the amount of the sums distributed to them. He denied that this position had ever been satisfactorily proved [Hear, hear!]. He had heard persons maintain that the country was so impoverished by taxation, that it was unable to pay for labour. But the effect of taxation was only to take from the pockets of one class of people, to give to another money already existing. It merely altered the channels of expenditure—it did not destroy the expenditure. That which was taken from the producer and went into the hands of government, was laid out in the employment of soldiers and sailors, of persons who manufactured gun-powder, or muskets, or other warlike stores. Taxation merely changed the form and shape of society. If they traced the money raised in taxes, through the different channels through which it circulated, they would find government as large an employer of labourers as individuals would have been, if the sums paid by them in taxes had never been withdrawn from them. To take, for instance, the twenty-seven millions annually paid into the hands of stockholders: there could be no doubt that this interest of stock employed as much labour as if it had not been withdrawn from the agricultural and other classes. They all witnessed the distress felt throughout the country by the want of demand in many branches of industry, from government ceasing to be a purchaser. He said then, it ought not to be taken for granted that taxation was the cause of the great increase of the poor-rates. He did not mean to say, there would have been so great an increase in the poor-rates altogether, if the present accumulation of taxes had not existed; but that the mere consideration of the accumulation of taxes was by no means the principal cause of the increase of the poor-rates. Taxation rather changed the description of labourers and the description of employers, than the amount of employment.

Mr. *Brougham* said, that the hon. gentleman who had just sat down had deprecated all premature discussion of a subject of such importance as the poor laws, and had promised to avoid imitating in that respect the example of those who had preceded him. In like manner he should begin by deprecating all premature discussion of this question, and promising to avoid entering himself into such a discussion. But there would be this difference between himself and the hon. gentleman, that he would keep his promise; whereas immediately after the deprecation of the hon. gentleman, it had seemed good to him to enter into a most delicate and difficult topic which had not any connexion with this important question. And having thus discussed the subject of the poor laws at considerable length, as if he had not sufficiently redeemed his pledge to the House, the hon. gentleman had then entered into another subject almost as important as the poor laws, namely that of taxation. The discovery which the hon. gentleman had made on this occasion, was not indeed so self evident as that which he lately made that the country banks issued paper. The last discovery, however, though not so self evident, was certainly highly curious; namely, that taxation had no effect whatever in increasing the number of paupers, or the sums necessary to be distributed among them; that is—it was of no consequence whether 1,000*l.* was laid out in the employment of productive labour, or whether this 1,000*l.* should be withdrawn from productive labour, and given to a sinecure lord of the Admiralty, who did no work whatever. He had taken this instance, which might serve as a specimen of the doctrines of the hon. gentleman on this subject. But he would keep to his promise, and not enter into any discussion of this subject. He begged, however, to protest in the first instance—for this was the first time he had heard this doctrine maintained in that House—against all and every part of it: and he would undertake to show, when the time came for entering into such a discussion,—that there never was a proposition maintained, more fallacious or more dangerous to the country.

Mr. *F. Lewis* explained. He had never said that taxation had no effect in increasing the poor rates. What he had said was, that the number of paupers was not occasioned by taxation alone.

Mr. *Curwen* was convinced that taxation clearly entered into the condition of the labouring poorer classes, and believed they did not pay less than 25 per cent to the government in the shape of taxes.

The papers were ordered to be printed, and referred to the committee on the poor laws.

POLICE REPORT—PETITION OF SURREY MAGISTRATES.] Mr. Sumner presented a petition from James Trotter, John Whitmore, and Thomas Reid, esquires, magistrates for the county of Surrey, complaining that they had been unjustly attacked, as having misconducted themselves in their duty as licensing magistrates of public houses. The depositions of Robert Whitburn a witness examined on the police committee, had formed the ground-work of that unwarrantable and calumnious attack. The petitioners prayed they might be afforded an opportunity of refuting the calumny.

Mr. *Bennet* said, that no part of the report was directed against the gentlemen alluded to. Though he thought it would be extremely difficult for them to explain every part of the transactions stated in the evidence in a satisfactory manner. He should certainly feel it his duty to move for the revival of the committee, to allow them an opportunity of justifying themselves.

Lord *Lascelles* instanced a case where the reason for withholding a licence was mistated in the evidence taken by the police committee.

Mr. *Bennet* said, that in such a large body of evidence, notwithstanding the utmost pains, it was impossible that much that was incorrect should not find admittance.

Mr. D. Sumner bore testimony to the character of the magistrates whose petition he had presented. Mr. Serjeant Onslow and Mr. Thornton expressed themselves also in strong terms to the same effect.

The petition was ordered to be printed.

PETITIONS OF J. BUCKLEY MELLOR AND SAMUEL PILLING, COMPLAINING OF IMPRISONMENT FOR THE SALE OF POLITICAL BOOKS.] Mr. *Bennet* said, he held in his hands a petition to which he wished to draw the attention of the House. It was from a person who had not been imprisoned under the Suspension of the Habeas Corpus act. The act of which the petitioner complained was one of those measures, which the noble lord, the secretary of state for the home department as head of the high police of the country, had chosen to inflict on the country. The House would recollect the Circular Letter of the noble lord to the lords lieutenant of counties, directing magistrates to hold persons to bail charged with selling libellous publications. Whatever might be the intention of the noble lord as to the degree of mildness or severity with which persons so arrested should be treated, the petitioner had been treated with a degree of cruelty hitherto unknown in the practice of this country. The petition was from Jonathan Buckley Mellor, by trade a small bookseller, in the town of Warrington. The offence for which the petitioner was arrested, was the selling the well known Political Litany for which Mr. Hone was tried; but though the copies bought for the purpose of prosecution were obtained long previously, he was not taken up till after the quarter sessions in April, when he was dragged to a common gaol, and confined several days in irons. The petitioner was conveyed, loaded with irons, to the house of correction at Preston, where he was confined six weeks. He was altogether confined fifteen weeks in different prisons, before he was removed, at 12 o'clock at night, in an open cart, in irons to the sessions at Ormskirk. He remained there two days and two nights in irons, in a dirty room, without even straw to lie on. The case was removed by the person who conducted the prosecution, by Certiorari to the court of King's-bench. The prisoner was re-conveyed to Preston in a cart, along with convicts sentenced to transportation. He remained there four weeks in prison, when he was discharged on his recognizance. During this time his wife and children were reduced to the most abject poverty, and obliged to apply for parochial aid. He trusted, however indifferent the House had hitherto shown themselves to the grievances of the people, that they would, on an occasion of this kind, show that they would not allow them to be made the victims of most wanton, and unjustifiable cruelty.

The Petition was read. It purported to be the petition of Jonathan Buckley Mellor, of Warrington, in the county of Lancaster, and set forth:

"That the Petitioner has for some time undertaken the sale of books, with a view to enable him to support himself and family in a more comfortable way than his wages as a servant would allow of; that, amongst the books and pamphlets which he received from his agent in the way of business, was a quantity of copies of a work styled "The Political Litany;" that, upon the publication of lord Sidmouth's circular, Mr. Thomas Lyon, jun., in February 1817, sent one Mary Scholefield to purchase two copies of the Litany from the petitioner, for the purpose as it subsequently appeared, of having the petitioner arrested for the sale of this work; that Mr. Thomas Lyon jun. notwithstanding his pretended alarm for the interests of religion, instituted no proceedings until the quarter sessions in April had ended; his motive for this delay was solely to gratify his malice by subjecting his victim to a longer period of imprisonment; as soon as the sessions were over, he deputed Paul Caldwell, the constable, to arrest the petitioner; when taken into custody, the petitioner demanded to see the warrant upon which he was apprehended; the constable produced a pair of hand-cuffs, and with them securing the hands of the petitioner, replied they were his warrant; the constable took the petitioner to a public-house, and delivered him in charge to Mr. Thomas Lyon jun. who was there waiting to know the success of his measures; the constable then returned to the petitioner's house, which he searched, and carried away from thence about seventy books and pamphlets in a sack, amongst which were Rollin's Antient History, Wynne's General History of America, Law's Serious Call to a Devout and Holy Life, the Evangelical magazine for two years, some numbers of the Liverpool Mercury, a few of Cobbett's Registers, and other miscellaneous publications; Law's Serious Call, with some other books thus forcibly carried off have never been returned; not one parody was found in the House, the one sold to Scholefield was the last sold by the petitioner, for, on learning that the Political Litany was considered by his majesty's ministers to be blasphemous, he declined to sell any more, although strongly urged to do so by persons who, he has reason to believe, were emissaries of Mr. Thomas Lyon jun.; soon afterwards, the petitioner destroyed every copy which remained; the petitioner was confined all night in the Bridewell, a dirty loathsome dungeon; he was then taken before the magistrates, Richard Gwyllym and Isaac Blackburne esqrs. and by them ordered to be confined in the workhouse, where he continued all night chained by the leg to a 60 pound weight, without either bed or straw; the next day he was again examined before the same magistrates, who offered to liberate him on his procuring two sureties, in the penalty of *50l.* each, and himself in *100l.*; the petitioner, not being provided with sureties, was again removed to his former situation for two nights more, with a similar appendage to his leg, and again without bed or straw; he was then conveyed in irons to the house of correction at Preston; here he was, for six weeks, denied pen, ink, and paper; he was confined at Preston fifteen weeks, from whence he was conveyed in irons, at twelve o'clock on a very wet night, in an open cart, to the quarter sessions then holding at Ormskirk; there he was confined two days and nights, all the time in irons, in a dirty room crowded with prisoners, without any convenience to ease themselves from the burthens of nature except an open leaky tub in a corner, and without even straw to lie upon; on being brought into court, Mr. Peter Nicholson, the attorney for the prosecution, said he had a writ of certiorari to remove the business to the King's-bench; the petitioner was then conveyed back to Preston, handcuffed and ironed, along with convicts sentenced to transportation; about four weeks, more he was, in consequence of a letter from Mr. Nicholson to the governor of the house of correction, discharged on his own recognizance to appear at the court of King's-bench, in compliance with which, not having received any notice to the contrary, he went to London at a considerable expense of time and money, and having appeared in court, he was ordered to appear at Lancaster at the March assizes 1818; the petitioner, unconscious of having infringed upon any existing law, has by these cruel and illegal proceedings been imprisoned upwards of nineteen weeks, been conveyed like a criminal seventy miles from Preston, he had to return home, to travel to and from London at great expense, whilst his wife and family have been dependent on the scanty aids of parochial relief and the contributions of the benevolent, and he has lost a situation which before his arrest contributed materially to his support; the petitioner humbly prays that the House will take into their consideration the statement now submitted, and that they will adopt measures best calculated to secure the liberty of the subject, and to prevent a recurrence of the arbitrary, unjustifiable, and severe sufferings endured by the petitioner, from the magistracy, or any their inferior officers and agents."

Mr. Bennet also presented a petition from Samuel Pilling, of Warrington, setting forth:

"That on the 23rd of April 1817, Paul Caldwell, the deputy constable of Warrington, along with other persons, entered the petitioner's dwelling-house, and told him they were were come to search for Cobbett's Books, and though the petitioner did not in the least resist the search of his drawers and boxes, but offered to find them the key of one box which was locked, the deputy constable ordered him away with one of the persons who accompanied; this person took the petitioner to the work-house, adjoining to which is the prison of the town, a damp unwholesome place; the petitioner was not thrust into this hole, but was permitted to sit on a wooden sofa by the kitchen fire, with a chain locked round his leg, to which was fastened a 60lbs. weight; in this situation the petitioner was kept till the following day, and he was then taken before Richard Gwyllym and Isaac Blackburne, esqs., two magistrates for the county of Lancaster, before whom he was charged with selling to one John Scholefield, on the 8th of February, 1817, a seditious and blasphemous pamphlet called "The Political Litany; John Scholefield not being present, the petitioner was ordered back to the workhouse, where he was chained to the 60lbs. weight as before, and was taken the next day before the aforesaid magistrates, where John Scholefild's wife deposed, that she bought the Political Litany from the petitioner on the 8th of February 1817; John Scholefield deposed that he received the said pamphlet from his wife, and delivered it to Thomas Lyon jun.; Thomas Lyon jun. deposed that he received the pamphlet so purchased from John Scholefield; on these depositions the petitioner was committed to the House of correction at Preston, by the warrant of the aforesaid magistrates, there to lie till delivered by due course of law; that on the 26th of April the petitioner was taken like a felon with chains round his legs, fastened to the bottom of a caravan, and conveyed to the house of correction at Preston, and was there put into confinement along with felons and kept to hard labour, till the quarter sessions held at Ormskirk on the 4th of August; to that place, a distance of 18 miles, the petitioner was removed during the night in an open cart, exposed to incessant rain, with chains on his legs, locked to persons charged with felonious acts; when the petitioner arrived at Ormskirk he was put into a room, and was kept there three days, locked to felons, and had nothing to lie on but the room floor, though he was at that time in a bad state of health, and he was there informed, that a writ of Certiorari was come from the court of King's bench, and that he was to be tried at Lancaster, the spring assizes; the petitioner was removed from Ormskirk to the house of correction at Preston, in the same manner he had been conveyed thither, where he was kept five weeks longer in prison, during which time, being unwell with a stoppage of urine, and not being able to go to his daily work, he was severely treated by one of the turnkeys named Anderson, who threw him down, kicked him, and otherwise very much abused him, giving him two black eyes, because forsooth he was unable to work through illness; after being detained a prisoner at Preston for nineteen weeks, the petitioner was liberated on his own recognizance to appear at the court of King's-bench, to be held at Westminster on the 6th of November, 1817; there he appeared and pleaded not guilty to the charges brought against him, upon which he was bound over to make his appearance at the next assizes, to be held at Lancaster, where he will have to appear, a distance of about fifty two miles; that the petitioner, on his return from Preston, found that Paul Caldwell, the deputy constable on the day of his apprehension, had seized the greatest part of his books and papers, many of them not of a political nature, carrying them off in a large basket belonging to the petitioner; and although the petitioner has applied to Isaac Blackburne, esquire, one of the aforesaid magistrates, who promised to speak to Mr. Peter Nicholson, the solicitor who managed the prosecution against the petitioner, to deliver them up, and although the petitioner has repeatedly applied to the said Mr. Nicholson, and to Paul Caldwell, the deputy constable, they have not been returned to him; and the petitioner humbly conceives the first seizure of his books to be illegal, as well as the present detention of them; that the petitioner suffered very much from anxiety of mind, on account of a wife and two helpless children, who were left in a great measure destitute by his imprisonment; and he humbly prays the House will take into their serious consideration the cruel, unjust, and illegal treatment which he has received, and that they will adopt such measures as they in their wisdom may judge the best calculated to secure the liberty of the subject, and prevent a recurrence of the same cruel, unjust, and arbitrary treatment, which has been received by the petitioner from the magistrates and their subordinate agents, in consequence of lord Sidmouth's Circular."

The petitions were ordered to lie on the table, and to be printed.

Mr. *Bennet* wished to know whether it was the intention of the attorney-general to bring these men to trial, after the three acquittals of Mr. Hone, the principal publisher of the parodies; or whether he did not feel it his duty to discharge the recognizances under which they were bound to appear at the next assizes?

The *Attorney General* apprehended there was a mistake in the supposition that the recognizances bound these men to appear at the next assizes. The recognizances, he believed, bound them to await the judgment of the court of King's-bench. Unless they had notice of trial, they would not be bound to appear.

Mr. *Bennet* said, the learned gentleman had not answered the question, whether he did not feel it his duty to discharge the recognizances? He certainly had no right to demand this answer.

The *Attorney General* replied, that he had no hesitation in saying, that because a person had been acquitted for the publication of certain libels, he did not feel it therefore his duty to discharge the recognizance of persons under prosecution for publishing transcripts of those same libels. Whether he should proceed in the prosecution of these men would be determined by a variety of other considerations; but he did not feel it his duty to forego the prosecution of what appeared to him to be a libel, because a person had been acquitted for publishing a similar libel in another place. He knew it had happened, that in one place a person had been acquitted of a libel on the publication of a paper, which had at another time and place been declared to be a libel by another jury, to the satisfaction of those who heard the trial. It was not for him to say on what grounds the jury acquitted Mr. Hone. He wished to cast no reflection on that verdict: it was fit the defendant should have the full benefit of it. But he would take leave to say, that it did not satisfy him, that ever after these publications should be allowed to circulate with impunity. There were many circumstances which might have weighed on the mind of the jury in the case of Mr. Hone. Mr. Hone had proved that after a certain time, when he found those publications were disapproved of by many persons, he ceased to sell them. He thought it extremely likely that, considering this, and considering how in former times, similar publications had passed without reprehension, they might have acquitted Mr. Hone though they thought his publications mischievous. But did it follow that men vending this publication, which if not a libel was literally poison, through the country, should be suffered to proceed—to circulate it at the corner of every street? Did it follow that the law officers were to let this pass without animadversion? Since Mr. Hone had ceased to publish, other persons had republished them, nearly at the same place where they were first vended. They professed that they had a right to do so, and desired that the subject should be brought before a court of justice; and so valuable did they conceive these publications to be, that they talked of bringing actions for the copyright. Whether in these individual cases he should think it his duty to prosecute, would depend upon other considerations than the acquittal of Mr. Hone. They had been indicted at the Ormskirk quarter sessions, and he had thought fit to remove the cause to the court of King's-bench, because, while the case of Mr. Hone was depending before a superior court, he did not think it fit to bring on a similar case before an inferior court.

Mr. *Lyttelton* said, he was glad he had an opportunity of expressing his opinion on these detestable libels, for so, notwithstanding the acquittal of Hone and verdicts of the juries, he should call them. He did not think those verdicts however conscientiously given, could or ought to alter the opinion of any man in the country. He should have been glad to have had an earlier opportunity of expressing his feelings on the subject; but he thought it his duty, however unimportant his individual opinion, to contribute his mite to do away the mischief which the verdict, however well meant, had indirectly occasioned. The petitions before the House, however, stated matters which were very fit for inquiry. It was not for him to give an opinion whether these persons should be prosecuted, but he thought it likely that a verdict might be obtained against these publications, when there was nothing in the individual case in favour of the person prosecuted. But it was doubtful to him, whether farther prosecutions might not aggravate the evils of these publications. It was fit for the House to consider what cause had led to these acquittals—whether the minds of the juries had not been indisposed towards any state prosecutions, by the unconstitutional law which had been passed, and by the manner in which other state prosecutions had been conducted. This he threw out for the consideration of the House, and he hoped they would bear it in mind when the bill of indemnity demanded by ministers should be brought forward [Hear, hear!].

Mr. *Brougham* was pleased that an opportunity was offered to him of expressing his opinion on what formed a principal subject of the petitions they had lately heard. He agreed with his hon. friend in regarding with feelings of unqualified disapprobation the very repugnant, and, if he might so say, in every point of view, the very disgusting publications that had been issued; and he agreed with him in not making any remark in disparagement of the verdict of those juries. Indeed, had he been upon the juries himself, under all the circumstances of the case—considering the impunity of former libels of the same nature, and the general conduct of the prosecution, he should have felt it his duty to return the same verdict. The juries were justified in their conduct. They might, and no doubt did, wholly disagree with the tenour of the libels; but they considered that they were political prosecutions, and if they had had ten times as much blasphemy in them—if it were possible that ten times as much blasphemy could have been crammed into such a space—if they had been on the side of government they would not have been called on to give a verdict of blasphemy against them. They acted as British jurymen; they thought that by acting as they did they served the cause of religion, better than if they had given verdicts for those who served it only when it suited the side to which they belonged. They saw that the intention was to make religion a cloke for political purposes. He spoke not lightly when he spoke of things of the same nature from another quarter. There were publications which appeared more disgusting and more disgraceful even than these; parodies not merely of the liturgy, but of large portions of scripture; parodies produced with other views than the objects of the prosecutions. He alluded to those which had been published when the noble lord and the bulk of his present colleagues entered upon their offices. At that time parodies were in the course of publication, not by a few obscure individuals, or by a few dozen copies at a time, but circulated in great numbers under the special protection of those very persons who had carried on the recent prosecutions. Had they prosecuted those parodies? No. Because they were against their own political adversaries, and to serve their own political ends. He would say, that nothing could do so much harm to religion as to make it a handle for political convenience; and that he was the worst enemy of religion who made a show of dealing out justice for its protection, but who, in reality, acted on political grounds, and to serve political interests. But it seemed a man might blaspheme—he might send forth as much irreligion as he thought proper—as long as he meddled not with the conduct of government—he might abuse the ministers of religion with impunity, so long as he refrained from speaking ill of the ministers of the king—he might say or publish what he chose, so long as he was of the right stamp—he might take what liberties he pleased with the affairs of the church, so long as he left temporal subjects unprofaned. He had a most complete dislike of such publications themselves; but religion, he thought for its own sake, ought never to furnish means for the expression of political displeasure.

Lord *Castlereagh* thought the doctrine of the hon. and learned gentleman who had just spoken open to much animadversion, particularly as it came from a professional gentleman. There never could be a doctrine maintained more fatal to the laws, and to the fair and impartial administration of justice, or its purity and tranquillity, than that a jury, on their oaths, bound to decide on the particular case before them, should be allowed to travel out of the record, and erect themselves into a sort of political tribunal to adjudge, by comparison, different matters and different persons. This was contrary to the spirit and principle of jurisprudence, and he trusted the House and the country would never tolerate, that their judicial tribunals should be elected into places for political disquisitions. It was in vain to defend these offensive publications, on the ground that other parodies had been previously suffered to pass with impunity. He was at the same time ready to admit, that whenever the scriptures were so parodied, the act was highly reprehensible, no matter in what way the parody was intended to be applied. Offences of this kind, however, were open to different views. He knew not to what parodies the hon. and learned gentleman alluded, but there was a great difference between the effect of publications circulated at a cheap rate, and couched in language calculated to diffuse poison throughout the country, and those which were circulated at a dearer rate in a higher circle of society, and, in fact, intended but for literary classes. His object, however, was not to defend by comparison such publications; he merely rose to protest against the doctrine so broadly laid down by the hon. and learned gentleman, that a jury, solemnly trying a particular fact, should be allowed to travel out of the record, and neutralize that fact, because other parties had previously acted with impunity. In this manner the jury might be said more to try the attorney-general for his prosecution, than the defendant who was really committed to their inquiry.

Mr. *Brougham* said, that the doctrine which the noble lord had been reprobating was no doctrine of his. What he had said was this, that the jury were so placed that they were called on to single out one man for conviction on a particular offence, which had been committed with impunity, nay, with encouragement, by others for a course of years. To make such a distinction to suit political views, would have been any thing but that even-handed justice which they were sworn to administer.

Lord *Castlereagh* appealed to the House, whether the hon. and learned gentleman had not re-laid down the doctrine he had complained of.

Mr. *Wilberforce* was very glad indeed to find that the hon. member for Worcestershire, and the hon. and learned member for Winchelsea, had so decidedly expressed their opinions against these parodies. He was himself entirely ignorant of the libel of which the hon. and learned gentleman had spoken. It ought, in his opinion, to be considered, whether or not, without prosecuting, the libel would be likely to have a great degree of circulation, or would do a great degree of mischief. He remembered a case of prosecution, in which a noble lord (L. Erskine) had been particularly engaged. In that case, the question of prosecution and not prosecution was fully considered. It was, he believed, on the second part of Paine's Age of Reason; and that time he recollected it was found, that the circulation was such amongst all orders and classes of society, that it could not be brought into more notice or greater publicity. Before the prosecution of the present productions, he had thought, and he thought so in common with a great part of the nation, that such productions which were so industriously circulated, called for reprehension. He wished to have caused them to have been prosecuted in such a manner as would have avoided the imputation of political feelings. He did not think, however, that those who were charged with the defence of the national religion, if that religion was to be protected by law, could retire to their closets with the consciousness of having done their duty, while such publications remained unchecked. The possibility that political motives might be imputed to them, should not deter them; and the hon. and learned attorney-general, with whom he had not the honour of a personal acquaintance, was the least likely to be deterred by such an apprehension. The real question was, whether such publications had not a tendency to desecrate those things which a man ought to conceal in his bosom, and venerate in secret. And if such was the conclusion, it might be recollected that it was the office of the law, it was part and parcel of the law of the land, that religion should be defended. Sir Matthew Hale, a great and excellent lawyer, had established that principle, and he was very glad to see that it was still maintained. He could not but feel grateful to his honourable friends that they had expressed such sentiments on the subject as he had heard from them, and he could not but express it as his opinion that the officers of the Crown would not have done their duty if they had not exercised the authority of the law against the wicked and blasphemous publications that had been mentioned.

Lord *Cochrane* hoped the ministers, if they wished, as it had been expressed, to retire to their closets with a good conscience, would not confine their care of religion and morality to the prosecution of parodies, but would turn their attention to those who had incited innocent men to commit acts which would draw on them punishment. The true motive for the acquittal of Mr. Hone was, that he had been tried for offences against religion, when his real offence was political. He should shortly have to present a petition, which, when read, would, he hoped, induce the House to inquire into a subject which they had hitherto avoided.

Parliamentary Reform.] Sir *S. Romilly* said, he had 46 petitions to present from the city of Bristol, signed by 20 persons, each praying for a reform in parliament, viz. annual elections and universal suffrage. The persons who signed these petitions, and others of the same nature, laboured under a great mistake. They imagined that there was a law which prevented petitions from being presented by the people to their representatives signed by more than twenty names. This was an error; there was no such law; and it would surprise those who had seen petitions presented heretofore signed by hundreds and thousands. There was an act of parliament, indeed, passed soon after the Restoration, which declared it an offence "to solicit and go about to procure" petitions to be signed by more than 20 persons; but the House of Commons would never venture to pass a law to prevent the people from presenting petitions, however numerously signed. Indeed, such a law, combined with the rejection of printed petitions, would make it hardly possible that the sense of the people should be taken. The gentlemen who had signed the petitions he held in his hand, had done him the honour to entrust him with the petitions, on the supposition that he would fairly present them, for he had formerly fully declared that though he considered some reform to be absolutely necessary, his sentiments were not in unison with the plan of reform here proposed.

The petitions were laid on the table, and the first was ordered to be printed. It sat forth, "That defective representation being the nation's bane, the petitioners pray, that all male subjects (infants, insanes, and criminals excepted) might equally share in annually electing representatives to serve in parliament."

Lord *Cochrane* said, he had several hundred petitions to present to the House on the subject of parliamentary reform, a few of which he would now bring up. He had four from St. Margaret's, Westminster, 99 from Leeds, five from Bristol, several from Newcastle-upon-Tyne, Ashton-under-Line, and a number of other places.

The petitions were then presented by the noble lord. They were signed by twenty persons each, and were couched in the same terms as those presented by sir S. Romilly. They were ordered to lie on the table.

PETITION OF ROBERT THOM, COMPLAINING OF THE OPERATION OF THE HABEAS CORPUS SUSPENSION ACT.] Lord *Cochrane* presented a petition from Robert Thom, a weaver of Glasgow, who had been taken up under the Habeas Corpus Suspension Act. The noble lord maintained that the statements embodied in the petition deserved the most serious inquiry, as, if they were true, acts of more flagrant injustice had not been committed under any government in Europe. A simple denial of the facts ought not to satisfy the House. The case ought to be fully investigated, that if the gaoler had been guilty of the oppression imputed to him, public indignation might fall on the right head.

The Petition was then read; setting forth,

"That the Petitioner, on the 22d of February 1817, was most unexpectedly arrested by certain sheriff's officers, and committed instantaneously to prison, without the exhibition of any warrant to that effect or any preceding examination; for a period of five days did the petitioner remain cooped up in a close cell, without being allowed any aliment, exposed to all the horrors of famine, and the most imminent danger of perishing from the extreme inclemency of the season, reduced, as he was, to solicit some relief to his sufferings by an attempt at repose on the rusty bars of the iron bedstead, without bed-clothes or covering of any description; when at length he procured a few coals the vent was so foul that, amidst the smoke which then prevailed in the cell both night and day, the health of the petitioner was seriously affected, and at intervals his existence endangered, and even posterior to his liberation the petitioner was for upwards of two months utterly incapable of pursuing his usual occupation, and in consequence his family of a wife and four children reduced to a state of absolute mendicity; for upwards of eight days the petitioner was interdicted from any communication with his kindred, nor was the attendance of the gaol surgeon permitted; his constitution of course suffered severely, and subjected him to the disease called the bleeding piles, which apparently will adhere to him through life; the sole sources of support which were furnished the petitioner on the fifth day of his imprisonment was the insignificant sum of eight pence per day, from which after the indispensable deductions for fuel and other necessaries, there remained only one shilling and five pence weekly to support existence; that the petitioner's humble situation precluded the possibility of his being in any respect accessary to the treasonable practices erroneously laid to his charge; there was not only no species of evidence adduced against the petitioner by his wanton oppressors in vindication of their proceedings, but he was eventually released on the 15th of April last, in consequence of bail being found, but this recognizance has never been acted on, or the petitioner called to appear in court; from these circumstances, so replete with calamity and distress to the petitioner, he perceives himself involved in ruin, and from his debilitated state of body rendered incompetent to provide for the sustenance of his family, who depend solely on his exertions to preserve them from the keen sufferings of chilling penury, or the degrading resource of precarious mendicity; on that philanthropy and generosity of character which even the most inveterate foes of England have been compelled to venerate as the brightest attraction of a British senate, the petitioner reposes with confidence an appeal against the undisguised persecution to which he has been exposed; and as his case presents no tale of simulated distress, he awaits, with deference and submission, that corresponding redress and indemnity which the House may adjudge it in their wisdom expedient to award; and praying the House to undertake the consideration of the preceding statement, and afford such redress as may be deemed commensurate to the distress which the petitioner has so long undergone."

Mr. *Finlay* hoped the House would not rely on the truth of the statements made in this petition. It stated that the petitioner had been taken up under the Suspension act: but the fact was, that in Scotland none were detained under the operation of that act. With respect to the alleged harsh treatment, he had made inquiry, and satisfied himself that the complaint was groundless. Two or three, who had been confined under similar charges, had expressed themselves perfectly satisfied, and had even expressed their thanks for the attention paid to their wants. For his part, he wished inquiry being made into the circumstances of the case, because he knew the result would show the exaggerated nature of some statements made in this petition, and the utter falsehoods of others.

Lord Cochrane said, he had two other petitions, from W. Irvin and J. Buchanan, who had been arrested at the same time, one of whom referred to J. P. Grant, esq. a member of the House, as the person who had saved his life, and who could bear witness to his sufferings. They were then read, and ordered to lie on the table.

COPY-RIGHT BILL.] Sir *Egerton Brydges* said, he would not detain the House long in moving for leave to bring in a bill to amend the Copy-right Act, of the 54th of the king, c. 156, as he understood no objection would be made to the course he was about to pursue. He would, therefore, only detain the House while he said that the grievances under this act appeared so great and so severe, not only as affecting authors and publishers, but the best interests of literature, itself, that he saw no remedy but its repeal, and he could anticipate no fair objection to it. He concluded by moving, "That leave be given to bring in a bill to amend the act of the 54th of his present Majesty, intituled, 'An Act to amend 'the several Acts for the Encouragement 'of Learning, by securing the Copies 'and Copy-right of printed Books to the 'Authors of such Books, or their 'Assigns.'"

Lord *A. Hamilton* hoped that his silence on the present occasion would not be construed into any assent to the proposed measure; on the contrary, his sentiments in opposition to it remained as strong as ever.

Mr. *Peel* begged also to make a similar reservation of his opposition until the proper stage of discussion, the second reading.

Lord *Palmerston* said, he had to put in the same claim for his opposition in due time to the measure.

Mr. *Forbes* said, he would also, in a future stage, oppose the bill.

Leave was given to bring in the bill.

ARMY ESTIMATES.] On the order of the day for bringing up the report of the Committee of Supply, to which the Army Estimates were referred, being read,

Mr. *Lyttelton* took occasion to call the attention of the House to a subject which he had, in the course of the last session, felt it his duty to bring into discussion,* and against which he thought the secretary at war had adduced very inadequate grounds of objection—he meant with regard to the affidavit which an half-pay officer was compelled to make, to entitle him to receive his half-pay, namely, that he had no other emolument from, or employment under the Crown. This he could not help considering as a restriction, equally inconsistent with liberality and justice. To the half-pay he thought all officers entitled as a matter of right, in remuneration for their services; and, considering the inadequacy of that remuneration for the maintenance of a gentleman, he deemed it peculiarly ungenerous that an officer should be deprived of it, unless he swore that he had no civil employment whatever under the Crown, from which he could derive any additional means of subsistence. These were the grounds upon which he had felt himself called upon to resist this restriction in the course of the last session; and if he remembered correctly the objections of the secretary at war to the removal of that restriction, they were extremely imperfect. The noble lord, if he recollected rightly, had observed, that this regulation was necessary, in order to keep up the military character, and to prevent officers from engaging in civil pursuits, which might unfit or indispose them for the resumption of military habits; so that, according to the noble lord, the return of a soldier to the habits of a citizen, or the engagement of an officer in any civil office, was so likely to degrade his mind, or to estrange him from the feelings of the military profession, that in the event of a new war, it would be difficult to bring him back to the military character. Without dwelling upon the principle of an opinion so novel, and as he apprehended so unconstitutional, he should only say, that it was unfounded in practice, and that it formed no valid ground for excluding half-pay officers from any employment which the government might think proper to confer upon them; for after all, it would depend upon the government to decide whether any such officer should be appointed to a civil office; and he apprehended, that unless it were thought that the possession of a civil office was calculated totally to corrupt a soldier's mind, there could be no good ground of objection to the making of such appointments. He could not, indeed, imagine any principle of justice or expediency that should wholly disqualify half-pay officers from the acceptance of such appointments. Therefore he objected to this affidavit, and the extraordinary restriction to which it referred. The removal of such a restriction would, indeed, in his judgment, be rather a measure of wisdom; because the more a military man was allowed to partake of the bounty of his country, the more he was likely to feel an interest in its fate, and the more he must be disposed to contend for its security. It was, besides, to be considered, that many, very many, of these officers were quite unable to support themselves upon the small pittance of their half-pay. He appealed, therefore, to the liberality of the House, and to that of the government itself, in favour of a body of gallant men who had served their country amidst so much danger, and with so little profit; and he appealed with the more confidence of success, because the removal of the restriction to which he objected would be attended with no additional expense to the country, while the government would still have the discretion of appointing any military man to a civil office. But it was quite unjust that the discretion of the government to make such an appointment should be fettered by the restriction to which he referred.—There was another point to which he also felt it his duty to call the attention of the House. He understood that a circular was issued, or about to be issued, from the War-office, stating, that no widow of any officer who had died since December last, should be entitled to the pension of an officer's widow, if it appeared that, from any source whatever, she derived an annuity equal to double the amount of such pension. This arrangement he thought peculiarly unjust, because it might happen, that the annuity, which was thus to deprive a widow of her pension, might be the effect of an insurance upon her husband's life, which insurance was paid for, perhaps, by a material sacrifice of the means of subsistence by both husband and wife. Would that House then consent, upon the ground of such an annuity, to exclude an officer's widow from her pension? Yet the circular alluded to would have that effect. The whole charge for widow's pension's amounted, he observed, only to 90,000*l*., and possibly the result of the circular referred to might possibly produce a saving of 20,000*l*. But would the House, fer such an object, acquiesce in an act of obvious injustice? He was among the warmest advocates for retrenchment and economy; but such retrenchment as that which he had mentioned was not the kind of economy for which he looked, or which the country desired. On the contrary, he believed that the people unanimously wished that the widows of their gallant defenders should be liberally provided for. Ministers could not therefore calculate upon gratifying any class of the community by the arrangement to which he objected; on the contrary, such an arrangement was likely to give rise to invidious comparisons between the treatment of those poor widows, and the extraordinary gratuities afforded to others who happened to be nearer the source of favour — to the commissary-in-chief for instance [Hear, hear!]. He felt that it was the duty, and he hoped it was the inclination of the House, to interpose its authority upon such an occasion, in order to prevent a profusion of character under the pretence of some economy —to guard against a sacrifice of justice with a view to produce an insignificant saving.

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* See Vol. 36, p. 523.

Lord *Palmerston* observed, that as the affidavit alluded to was provided for by a section in the Appropriation act, the case did not apply on the present occasion. He denied the justice of the hon. gentleman's statement, that the half-pay belonged to an officer as a matter of right, as that half-pay was in fact granted merely for the subsistence of officers during the cessation of their services, and as a retaining fee for their future services, when it should become necessary to call upon them for the defence of the country. But if officers were allowed to accept civil apointments, it was felt, and justly felt, that it would be difficult to recall them to military duties when occasion should require it. There was indeed reason to believe that if officers were so appointed, they might become so much engaged in civil pursuits as to be disqualified for, or indisposed to, the resumption of military habits. On those grounds, then, the affidavit objected to by the hon. gentleman was deemed necessary; but this affidavit was, in fact, nothing more than persons connected with other departments of the public service were called upon to make: for those who enjoyed superannuation or retired pensions, were obliged to make the same affidavit, namely, that they had no other emolument under the Crown. It was also to be recollected, that the requisition of this affidavit was not an innovation, but the old established system. Then as to the circular letter alluded to by the hon. gentleman, the regulation to which it referred did not originate with government, but was recommended by the finance committee, which was of opinion, that the same rule which prevailed in the other departments of the public service should be applied to the army.

Mr. *Lyttelton* asked, in what part of the reports of the finance committee the recommendation alluded to by the noble lord was to be found, for he had not seen any such recommendation? As to the noble lord's reference to other services, he thought it only an aggravation of the principle to which he objected, that it should be extended to the army; and as to the alleged antiquity of the practice, with respect to half-pay officers, he could not admit that that antiquity afforded any defence for such practice.

The Report of the Committee was brought up. Upon the first Resolution being put,

Sir *W. Burroughs* rose, and urged with additional force the objections which he pressed last night against the amount of the proposed establishment. Compared with the peace establishment of 1792, this amount was peculiarly objectionable, unless it was shown that there was something in the internal condition of the foreign relations of the country which called for a greater force at present than in the year 1792. But what was the fact? Why, that while we were at present in a state of profound tranquillity, at peace with all the world, and without the slightest apprehension, as ministers themselves assured parliament, of any breach with foreign powers, we were in 1792 in very different circumstances; for at that period the French Revolution was in its vigour, while its poison was spreading throughout the world. That poison was perhaps no where more widely diffused than in this country, through the medium of the Jacobin Clubs. Insurrections had, indeed, actually taken place, and Ireland was on the eve of rebellion. France was also in a state of extraordinary strength, and obviously preparing to make war upon this country. But what was the contrast at present? The Revolution extinguished —Great Britain and Ireland in a state of tranquillity—and France not only indisposed and unable to make war upon us, but depending for the preservation of its peace upon an army of 22,000 Englishmen, under the command of the celebrated Wellington. Was not this contrast, then, an additional reason for a reduced establishment at home, in this the third year of peace, and without the remotest probability of the disturbance of that peace especially by any foreign power? Now, the whole of our force in Great Britain, in 1792, was only 15,000, and in Ireland only 12,000. Thus the total force for

Great Britain was only 27,000, in 1792, while for the present year it amounted to no less than 57,270:—thus creating an excess of 29,526, or forming more than double our peace establishment in 1792. But, in addition to this excess, we had at present a yeomanry force of 23,809 for Great Britain, and 41,000 for Ireland. Thus we had in the aggregate an excess of force, at present, beyond that of 1792, amounting to no less than 94,335 men. What, he would ask, could be the reason for such an enormous excess? But it had been said, that as 1792 was the last year of rather a long peace, the comparison with our present circumstances was not so admissible. He would take, then, the next year, 1793, which was the first year of the war, in which we were engaged with France, and how stood the account? In 1793 the force voted for Great Britain was only 17,000 men, and that for Ireland was 16,000, which, with the volunteers in both countries, formed a total of about 70,526 men. This force, then, compared with the proposition for the present year, would leave an excess of 11,121. Such being the excess between a year of actual war, and the third year of universal peace both internal and external, he could not imagine how the noble lord and his colleagues could account for the difference. It might be said that the militia of Great Britain and Ireland were called out in 1793, and their total amount exceeded 53,000 men. Thus the total amount of force at that period might be estimated at about 123,000 men; but even this number compared with the regular army and the yeomanry of both countries for the present year, would leave an excess of no less than 23,307. Such was the difference between the extent of our military establishment in this the third year of peace, beyond that of the first year of the most extraordinary war in which the country had ever been engaged. But what was the difference between our force in the present and the last year? Why, only 1959 men. Yet the difference between the circumstances of the country in those years was extremely critical, according to the authority of ministers themselves; for at the beginning of the last year, those ministers alleged the state of the country to be so very alarming from the existence of plots, conspiracies, and insurrectionary movements, that they thought it necessary to call for the suspension of the Habeas Corpus act. The history of that year was, however, pregnant with evidence to show, that a large military force was not necessary to preserve the peace of the country. For even the so much talked of rebellion at Derby was suppressed by one magistrate, one officer, and eighteen dragoons. Yet this was the only insurrection in the country in the course of that year, to quell which any recourse was had to the aid of the regular army; for the rebellion at Huddersfield was put down by the yeomanry. It appeared, indeed, that on that occasion, one yeoman was fired at when he was seen alone, but the corps to which this yeoman belonged had scarcely presented itself when the whole of the Huddersfield insurgents or rioters immediately fled. But what was the case with respect to the insurrection in London? Why, that the lord mayor, seconded by one alderman, took possession of the baggage and standard of the insurgents before any military force had appeared—nay, the Royal Exchange, of which the insurgents, it seemed, took possession, was surrendered to these two municipal officers, unsupported by any military force whatever. The hon. baronet farther illustrated the contrast between the circumstances of the country at present, and at those periods to which he had referred, expressing his astonishment at the system of military expenditure which ministers appeared disposed to pursue, and his desire to know how it was proposed to maintain such an expenditure, especially in the present melancholy condition and prospects of our financial resources, which resources those ministers held out no hope of relieving by any probable reduction of that expenditure, or by any attention to the essential principles of public economy. The hon. baronet concluded by moving to leave out, "113,640" men, and inserting "103,640 men."

Mr. *Curwen* expressed his astonishment that the hon. gentlemen opposite did not consider it their duty to make any reply to the convincing arguments that had been so eloquently advanced by his hon. and learned friend. If on a question of such constitutional and financial importance, that was to be the mode of discussion adopted by the House, it was high time for a reform of parliament.

Lord *Palmerston* observed, that if what had passed that night in the House was calculated to show the necessity of a reform in parliament, he presumed it was from the very scanty attendance which the opposite benches testified on the discussion of so important a subject. If reproach was applicable any where, it was to those whom some persons considered as the great defenders of the public purse, and who, it appeared, had no time to employ in an investigation of the army estimates. He should think himself fully justified were he to abstain from making any reply to the so often repeated arguments of the hon. baronet. He meant him no personal disrespect, but he could see in his observations no one point, which had not been already stated and discussed. The speech of the hon. baronet was entirely made up of thread-bare references to the establishments of 1792, and it really appeared to him that an allusion to the period of the Saxon heptarchy would be as applicable to the present circumstances of the country. To retrace a comparative view of this nature, would be an idle waste of the time of the House. He considered it sufficient to recall to their attention generally the prodigious changes which the events of war and the operation of various causes had introduced into the internal situation of the country. Let them look at the increase of our population, and the consequent increase of turbulent spirits. [Hear, hear, and a laugh from the opposition.] He could recognise no one point by which any identity could be established between the circumstances of the two periods. The additional charge upon the revenue was created by the increased pay and allowances, and he had not understood that any hon. member was prepared to recommend a reduction in those branches of expenditure.

Mr. *Calcraft* regretted as much as the noble lord the thin attendance which was given on all sides on a question of so much public interest as the Army Estimates. The reproach applied generally, and he should be sorry were a division to exhibit their scanty numbers to the observation of the country. He must contend that no satisfactory answer had been made to the objections to the amount of the estimates for the service of England and Ireland, and he had no hesitation in declaring his belief that the reduction of 10,000 men was practicable. When measuring the extent of an establishment, how could they proceed without adopting some basis, and what better one could they select than the peace establishment of 1792—unfortunately the last year of general peace which could be adverted to? But to this the noble lord replied in a declamatory way, that the year 1792 was not the year 1818, and that, therefore there could be no similarity or point of comparison between the two periods. This was extraordinary logic for the representative of the University of Cambridge. The only cause assigned for not making larger reductions was the present system of reliefs; but against this, it was but fair to set the operation of the recruiting service. With regard to the increase of pay and allowances, the charge thus created was only an additional reason for scrutinizing the establishment, which could not be separated from the consideration of our finances. He observed, too, that the security we derived from the army of occupation in France was never adverted to, and yet he apprehended that this force would gradually return, and that it could not be disbanded immediately upon its return. The situation of Ireland was now one of complete tranquillity; but in 1792 a large body of united Irishmen were in correspondence with the French government. He had himself proposed reductions in a former year, which had not been assented to. In one instance, he had recommended a diminution of 3,000 men on a foreign station, and he was described as an ignorant prejudiced person, who entirely misconceived the matter, although, a short time after, his counsel was adopted, and the reduction actually took place. What he had then urged, applied only to the service of the year; and he trusted, therefore, that similar recommendations of retrenchment, although opposed in the House, would be attended to out of it. He was not one of those who felt any despondency with respect to the financial resources of the country, but he put it to the noble lord (Castlereagh), whether he and his cabinet conclave of fourteen were not bound to press down the expenditure to the lowest point that was consistent with public security. When the House considered the great number of battalions of infantry, and of regiments of dragoons, and dragoon guards, of which the establishment consisted, it would be seen that the reduction proposed by his hon. friend when applied equally to the whole force, would occasion but a small diminution of numbers in any particular corps. It should be recollected, that our present system of finance was, as it were, living from day to day; that the chancellor of the exchequer, the great stock-jobber for the country, was, in the ordinary course of gambling, taking advantage of every little variation in the interest of the paper which he was enabled to throw into the market. That paper, consisting of unfunded exchequer-bills, amounted to fifty six millions; and although he did not wish to speak harshly of the transactions of the stock exchange, they formed but an inglorious pursuit for the government of a great country. All the success, however, of which the right hon. gentleman could boast in his dealings, was the reduction of three millions upon eight hundred millions of debt, a boast which he apprehended would but little mitigate the pain that a right hon. gentleman who sat beside him (Mr. Huskisson) must feel, after the solemn appeals which he had once made to him on the urgent necessity of bringing the expenditure within the income.

Mr. *Peel* accused the hon. gentleman of misrepresenting what he had last night said respecting the state of Ireland. For although he had stated it to be a source of satisfaction to the House that the internal state of Ireland was much improved, yet he had given it as his decided opinion that no force of a less amount than that proposed was compatible with the safety of Ireland. This was his opinion: the opinion of others might be different. But certainly he was more confirmed in his opinion when he considered that the only two members who differed from it were the hon. gentleman who spoke last, and the hon. baronet—the former had no personal knowledge, and the latter had not set his foot in the country since his return from India. It would be agreed on all hands that nothing could be more injurious or unsafe than a sudden reduction in the military force on Ireland; and he was sure that the House would be of opinion that a reduction beyond that made in the present estimate was consistent with the internal security of that country.

Sir *John Newport* felt himself bound to express his sense of the obligations which were due to the right hon. gentleman for the course of policy which he had pursued with respect to Ireland, in substituting the civil for the military authority in the preservation of the peace of that country. The reduction of the military force in that country should be gradual and progressive, for it could not be doubted that any sudden abandonment of the policy hitherto acted upon would be productive of very bad consequences. He thought that with respect to the colonies, they should be made to contribute at least in some degree to the support of the force maintained for their protection.

Mr. *Marryat* observed, with reference to the colonies, that they were not in a situation of contributing to the maintenance of the troops, with the exception of Jamaica. He did not think that a smaller force could be voted for their protection and safety.

Mr. *Brougham* said, it became the Commons of England—as many, at least, as were then assembled there—to insist, that the number of troops to be maintained, especially in this country, should not exceed what it was in 1792. In a year of profound peace, and when all danger of internal commotion was allowed to have ceased, it was for ministers, and not for those who sat on his side of the House, to show why the force should be increased beyond what it was at that period. The people of England had a right to be governed at the smallest possible expense; and if he showed that the state of the country did not require any extraordinary measures, the *onus* was on ministers, to establish, step by step, the necessity of maintaining every battalion, and every troop of the line, which they now proposed to the House. The noble secretary at war had said, that there was a great increase of population, and, of consequence, a great increase of turbulent spirits in the country; but did he mean to say, that because the population was increased to the amount of five or six hundred thousand, that the army must be kept up to the present numbers? In that case, allowing his position to be true, instead of an increase in the army of ten per cent., it would be increased to at least one hundred per cent. What was there in the state of the country so different from what it was in 1792, as to justify the necessity of augmenting the army in this degree? Was the year 1792 more particularly tranquil than the other years which had succeeded it? He would maintain, that if ever there was a period in which the constitution of this country was exposed to danger, it was in the year 1792. France was then threatening to sow discord and sedition in the country, and great apprehensions were entertained for our external and internal welfare. But the terrors which the French revolution had excited were now passed. That revolution, indeed, had long fallen into disrepute among the nations of Europe, and the danger which it was said to have inspired was now on the other side. The danger which now existed was not a danger to be apprehended from the people—it was a danger that arose out of the doctrine of legitimate governments, to be maintained and supported by military force—it was a danger that the governments would go too far in trampling on the rights and liberties of their subjects. And yet this was the time in which the ministers of the Crown thought proper to desire so considerable an increase of the standing army, compared with what it was in the year 1792. It was admitted, that Ireland was the most disturbed part of our dominions, and that England was the most tranquil; but, in framing the estimates, this view of the empire was entirely overlooked, and the increase of the army in England was much greater than the augmentation which ministers had made for the sister country. If they wished to remove the discontent which unfortunately existed in that part of the empire; if they were desirous of governing Ireland, not by the sword, but by the laws; they would turn their attention to those subjects which formed the principal grounds of murmur. The noble lord and his colleagues would readily understand that he alluded to the Catholic claims; which, if granted, would have the effect of restoring tranquillity in every part of the kingdom. It was scarcely necessary, at that time of day, to observe, that standing armies were utterly inconsistent with the spirit of our free constitution; but he would venture to say, that it was one of the most calamitous signs of the times, that, in every country, armies were kept up for the purpose of spoliation, and of exciting terror in the minds of the people. If any change in the affairs of the world had rendered it necessary for England to deviate from her ancient policy with respect to a standing army, that change took place previous to 1792; and, therefore, he again placed his foot on that year, as the standard which ought to govern our proceedings, and he called on the noble lord to show what there was in the state of Europe which could warrant him to propose the present enormous establishment. He was persuaded that it was quite preposterous and unnecessary; and he lamented that so little attention had been paid to the discussion of the estimates this year. He would freely admit, and he regretted to be forced to observe, that the little attention which had been devoted to them, did as little credit to those who sat on his side of the House as to those who sat on the other; but he hoped it might arise from some accidental circumstance. Having stated thus much, he should merely add that he felt it his duty to oppose so large a standing army, and most heartily approved of the amendment.

Lord *Castlereagh* could not allow the question to go to a division without saying a few words. It was not from not feeling the great importance of the question that he had not sooner offered himself to the attention of the House, but because he had heard nothing urged in the course of the debate which was an argument against the proposed establishment; and he referred to the thinness of the House on the present occasion as evincing a feeling, that after the previous discussions, the opinions of members were settled as to the necessity of the amount of force proposed. The hon. and learned gentleman wished to take the year 1792 as the standard, according to which the estimates of the present year should be regulated. Now, with respect to the establishment of 1792, he begged the House to recollect that Mr. Pitt, in that year, when he proposed the estimates, stated, that he had framed them on the prospect of a long period of profound peace. In this it unhappily proved that Mr. Pitt was mistaken, for the war broke out the very next year; and the consequence of the lowness of the establishment in the year 1792 was, that this country suffered very much from an extreme degree of military feebleness during the first years of the war. The hon. and learned baronet thought that we could do at present with a force of 10,000 men less than that in the estimates, but then he forgot to state the particular quarter in which the reduction was to be made. Was it seriously said, that any reduction could be made in the 26,000 men to be kept up for the home service? In which part of the home establishment would the hon. and learned baronet make his reduction? Not less than 11,000 men were required for the service of the metropolis and the dockyards; and could 16,000 be thought sufficient for that of all England? He assured the House that ministers intended to make every possible reduction which would not be inconsistent with the interests and safety of the country.

Mr. *Bankes* thought that the present vote was larger than the necessity of the case required. Last year, from the agitated state of the country, he had not thought any reduction could safely be made in the force proposed for England; but now that order and tranquillity once more prevailed, he was of a different opinion. As to the army in Ireland, he wished it to be reduced gradually.

The question being put, that "113,640 men" stand part of the question, the House divided: Ayes, 51; Noes, 21.

List of the Minority.

Althorp, visc.
Brougham, Henry
Bankes, Henry
Babington, Thomas
Curwen, J. C.
Duncannon, visc.
Douglas, hon. F. S.
Fazakerley, Nic.
Gordon, Robert
Grenfell, Pascoe
Hurst, Robert
Lemon, sir W.
Lyttelton, hon. W.
Monck, sir C.
Newport, sir John
Ord, Wm.
Sharp, Richard
Smyth, J H.
Smith, W.
Symonds, T. P.
Warre, J. A.

TELLERS.

Burroughs, sir W.
Calcraft, J.

HOUSE OF COMMONS.

Wednesday, March 4.

Committee of Supply—Miscellaneous Services.] The House resolved itself into a Committee of Supply to which the Miscellaneous Estimates were referred. On the resolution, "That 60,000*l.* be granted towards defraying the expense of the building of a Penitentiary House at Millbank, for the year 1818,"

Mr. *Gordon* said, that the House ought to be made acquainted with the way in which the sums before granted for the building of this establishment had been spent. It had been found necessary to take down some of the towers, they had been so badly constructed. The sum now required was for rebuilding.

Mr. *Lockhart* said, no less than 71,000*l.* above the sum at which the expense of this prison was originally estimated, had already been voted; and as a prison it had totally failed to produce the effect which the House had in view, namely, to deter from the commission of crime. It might indeed have produced, what, compared with the other, was a secondary object, the amendment of the criminal. But that was of small importance, compared with the deterring from the commission of crime. It might be Christian-like to endeavour to better these people, and to send them into the world in a more comfortable condition than they were in before. The world, however, could dispense with them; for he believed the chasm in society, occasioned by the removal of culprits, could always be soon filled up. Notwithstanding the sums expended by the country in prisons and establishments of various descriptions, they found that crimes were perpetually increasing. There were other means to which they ought to turn their attention. A vigilant police ought to be established. The metropolis ought to be divided into districts, and a stricter watch set over those individuals who were habituated to crimes, and who were known not to obtain their living by honest means. If one quarter of the sum which they were devoting to this useless expense were expended on a watchful police, the commission of crime would soon receive an effective check, and they would not witness those disgraceful crimes which the metropolis had of late exhibited. He hoped the House would soon turn their attention to this subject. He did not think that a diminution of punishment could have the effect of preventing crime. A permanent and extensive effect could only be produced by a vigorous police. It was said that our prisons were nurseries of crime; that the comparatively innocent, from associating with hardened criminals, returned to society much worse members than when they entered the prisons. Why, he would ask, in the prisons of this metropolis, should persons, whose guilt was not established, be kept five or six weeks in the company of hardened criminals? At present, instead of the criminals being punished, society was punished; and society was punished because it was so negligent.

Mr. *C. Long* said, the objections to the Penitentiary at Millbank ought to have been stated at an earlier period. It ought to be recollected that the Penitentiary was adopted by parliament after a great deal of discussion. He was astonished that the hon. gentleman should consider the amendment of the persons in that prison a secondary object. The hon. gentleman had said what was perfectly true, that innocent persons, from mixing with hardened criminals in prisons, came out depraved. Did he mean to say, then, that a system by which the amendment of prisoners was promoted, was not worth the attention of the House? It was true that a tower had been pulled down and rebuilt.

Those who planned and superintended the building had not the choice of the situation, which was pointed out by act of parliament. A small part of the building had given way, but the cause was known, and from the means which had been adopted, no further apprehension was entertained. All who had visited the building agreed, that it could not possibly be constructed on a plan better calculated to answer the object in view. The system appeared, as far as they had yet had any experience of it, to answer the purpose of those who projected it. This was very much owing to an hon. friend of his (Mr. Holford) who had devoted all his time to this object. Without a constant vigilance and superintendence, the hopes of the House from this prison would be frustrated.

Mr. *Lockhart* explained. The right hon. gentleman had very much misunderstood him, if he supposed that he considered the amendment of prisoners a secondary consideration. He had merely said that this was secondary with reference to the greater consideration of preventing crime.

Mr. *Arbuthnot* appealed to the hon. member for Shrewsbury as to the amelioration in the conduct of the prisoners in the Penitentiary.

Mr. *Bennet* said, he approved, in great part, of the system pursued at Millbank, though he thought it admitted of improvement

Mr. *Wynn* said, that when they considered the great expense which the transportation of offenders occasioned to the country, and how little satisfactory the result had been, particularly in the case of females, they could not fail to view the Penitentiary plan as most beneficial to the country.

The Resolution was then agreed to.

The *Chancellor of the Exchequer* then moved, "That 725,681*l.* 12*s.* 3*d.* be granted on account of the sum of two millions to be applied by his majesty, in concert with his majesty the king of the Netherlands, towards improving the defences of the Low Countries, by virtue of the Convention concluded on the 13th of August 1814." In proposing this vote, he had the satisfaction of informing the House, that the subject of the vote was not likely to occasion the charges upon the public that had at first been imagined; for the French government, it was a subject of considerable congratulation, had made no delay whatever in the payment of the charges which they had to bear.

Mr. *Warre* observed, that by the treaty of 1815 there was to be set apart 60 millions of livres out of the 125 millions of livres which was to be paid by France to the Netherlands, for the reparation of the fortresses on the Flemish frontier. The whole expense of the reparation of these fortresses was estimated at 137 millions of livres. He did not know whether these 60 millions had already been expended by the king of the Netherlands in contributing to the repair of the fortresses; and he could wish to receive some information from the noble lord on this subject.

Lord *Castlereagh* said, that as a consideration for the colonies ceded by Holland to this country, it was understood that Great Britain was to contribute equally with Holland towards the reparation of the fortresses on the French frontier. Sixty million livres to be received from France were to be appropriated to the same purpose. The contributions from France were to be applied in the first place towards that expense. He could assure the hon. member that in all cases the sums received from France were appropriated to this object as soon as they came in; but the whole of the 60 millions of livres, had not been so employed, because this sum had not yet all come in.

Mr. *Warre* observed, that by an additional article of the treaty we were bound to bear equally with the king of the Netherlands such farther charges incurred in the reparation of the Belgic fortresses as should not make the sum to be paid by Great Britain to exceed in the whole three millions. He should like to know from the noble lord how far we were liable to pay more than two millions towards the repair of the fortresses?

Lord *Castlereagh* said, the whole sum which Great Britain was bound to pay by the treaty, could not exceed two millions.

Mr. *Warre* asked, if by the treaty we could not be called on to pay three millions in all towards the Belgic fortresses?

The *Chancellor of the Exchequer* allowed that the treaty was not very clearly worded with respect to this matter; but there was a distinct understanding, that the whole sum which Great Britain should contribute towards the repair of the Belgic fortresses should not exceed two millions; and that the whole charge which could by any possibility be brought against Great

Britain by the king of the Netherlands should not exceed three millions.

Mr. *Tierney* was willing to believe that this was the understanding at signing the treaty, still, however, the treaty itself might be thought to bear a different construction.

The Resolution was then agreed to.

MR. BROUGHAM'S MOTION RESPECTING THE INCOME TAX RETURNS AND PAPERS.] Mr. *Brougham* said, he rose to make a proposition to carry into effect a measure, the propriety of which was admitted, he believed, on all sides of the House; he meant the destruction of all remains of that tax on which they had long ago passed a sentence of condemnation. The principle on which the motion proceeded was so obvious, that he should not offer a word in support of it, but he should shortly state the circumstances which now rendered it necessary. About two years ago the chancellor of the exchequer had stated, that he had given directions for the destruction of the returns under the income tax. Subsequently to that, it was found that these directions had been very imperfectly complied with; that the originals or copies of these returns were bandied about, and sold every where as waste paper, and that in some places a person could hardly go into a shop without seeing the returns of some of his neighbours, or perhaps his own. When this was mentioned, it was said, that steps would be taken to destroy the returns; and about the same time a circular was issued, requiring the officers to destroy the original returns, preserving copies, which were to be transmitted to the tax-office in London, and there to be preserved. No farther notice had been taken of the subject till within a few days, when he had received information from persons who had seen these returns scattered about, as they had formerly been, in one part of the country. It was evident there was no use in destroying the originals, if copies were left. For though the names were left out, it was manifest that if all the details were preserved, any person in the neighbourhood, not to speak of the assessor, would be able to supply the names. On what ground could it be necessary to preserve these returns at all It was said, that they were necessary to check the returns of the county rate; but for this purpose the sums total, properly authenticated, of parishes or districts, would be sufficient. If it was desirable then, that the returns should be destroyed, it would be desirable that the means should be taken to produce a compliance with those orders which had been hitherto ineffectually given. The Treasury, and the Tax-office had at present no means to enforce compliance, if their directions were disobeyed. He should therefore move for a committee to inquire what steps had been taken. To this motion, he believed, no objection would be made. He was more disposed to do this, because he thought he had observed on former occasions a slowness in the Tax-office in attending to the orders of the House. It was a refractory department, though he attached no blame to his hon. and learned friend at the head of it; but there was something in the nature of the department which made them slow. If they might trust the index of the votes on the 3d of February a return had been moved for of the pensions of the late property tax inspectors, which return had not yet been made, though it might have been made in half the time. But ever since the slip the House had made two years ago, by the repeal of the Income tax, the House had been looked upon, by all concerned in the extracting money by taxation, with a jealous eye. He believed in many instances it would be found, that the names at the heads of the returns had only been altered by a stroke or two of the pen, or an attempt at erasure, which left them quite legible to eyes but half as sharp as those employed in the collection of taxes. In some of the instances he had been made acquainted with, a person had sent for goods from a chandler's shop, and with the goods were sent him a return of one of his neighbours income; and, on making inquiry, he was directed to a place where he might find the returns of any person in the neighbourhood. The collector or assessor having failed, his waste paper had been sold, which consisted of such documents. It was a maxim of law to trust every man in his own art. If the object was to ascertain the utmost sum which could be extracted from the people, or to whip up arrears, he should be willing to trust the tax-gatherers; but when the question was to destroy the relics of a tax which was so dear to them, he distrusted their diligence. This tax had on all occasions received the praises of the chancellor of the exchequer, and he was at liberty now to repeat them; but the opinion of the House and of the country was unchanged, or rather, if, out of the people, nine out of ten disapproved it at present, it was condemned by ninety-nine out of every hundred. The hon. and learned gentleman then moved, "That a committee be appointed to inquire into the steps which have been taken to destroy the Returns of Bodies Corporate and Individuals under the Income Tax acts."

The *Chancellor of the Exchequer* was doubtful whether any benefit could possibly arise from the appointment of such a committee as that now proposed by the hon. and learned gentleman. With respect to the charge made against the department of the income tax, of repugnance to comply with the orders of the House in the production of such documents as the House found necessary to call for, he believed that that department was not more averse than any other department in showing due compliance to their orders. The papers which the hon. and learned gentleman had alluded to, as an instance to prove the charge of reluctance, were long ago in possession of the House, and this the hon. and learned gentleman might have easily ascertained by inquiring at the vote office. The accounts called for respecting the inspectors of the income tax had been ordered on the 3rd of February, and it appeared they were returned on the 10th of February. With respect to the property tax, it was not his intention then to enter into its general merits. He knew it was burthensome to the country, though highly necessary to carry us through the arduous struggle in which we had then been engaged. In time of peace it was objectionable, and he trusted unnecessary. The object of the hon. and learned gentleman's motion was, that all papers of the description alluded to should be destroyed indiscriminately; but this could not be done, as some of them were absolutely necessary for the recovery of certain arrears of the property tax. Orders had been already given for the destruction of all such as were not necessary for the recovery of arrears, and the detection of fraud. All returns of commercial property, included in schedule B, were such as, from the circumstances of such property, ought certainly to be destroyed, excepting such as were necessary for the recovery of arrears. It was judged necessary to preserve copies of some of these returns, because two different acts, passed in the year 1815, referred to these papers for the purpose of settling county-rates and assessments. He hoped, therefore, that the House, upon taking these circumstances into their consideration, would see no necessity for the appointment of a committee.

Mr. *Grenfell* said, he completely concurred in opinion with his hon. and learned friend, as to the refractoriness evinced by the different offices connected with the department of taxes in complying with the orders of the House, but he could not agree with him in excepting the gentleman at the head of that department. He knew, however, that no blame could attach to the secretary of that department, whose conduct was in every respect highly creditable. He felt the greatest satisfaction in having to congratulate that House and the country on the admission then made for the first time, that the country was not again to be inflicted with the property tax. It was certainly a fair subject of congratulation to hear, that, though the right hon. gentleman considered the tax as right and proper in time of war, yet he would never recommend it in time of peace. This declaration was the more cheering, as a fear had been prevalent that a recurrence to this oppressive tax was still contemplated.

Mr. *C. Calvert* took occasion to express a hope, that some measures would be taken to guard against the vexation to which several persons had been recently subjected under the system for collecting the assessed taxes. This vexation was, he knew, peculiarly felt in his own neighbourhood. For after the people had had their proportion of the tax fixed upon the rack rent, by a regular and respectable surveyor, an assessor appeared, who, without any previous survey, ordered an advance of the tax equal to 50, and even 100 per cent upon some premises. Such, indeed, was the grievous exaction demanded from the inhabitants of Isleworth, Twickenham, and Hampton.

Mr. *Brougham* expressed his surprise at the language and conduct of the chancellor of the exchequer, who, after some little explanation not at all material to the question, declared his intention to vote against the motion. But what was this motion to which the right hon. gentleman professed so much objection? Why, simply for the appointment of a committee to inquire what returns or papers connected with the property tax had been destroyed, or could be destroyed without any injury to the public service. The right hon. gentleman had, on a former occasion, stated, that an order had been issued from the proper office for the detruction of such papers; and was it not rather calculated to excite suspicion as to the execution of this order, to find the present motion so resolutely resisted? But there were some circumstances connected with this motion which he felt it his duty to explain to the House as they appeared to manifest much less candour than he was generally disposed to ascribe to the right hon. gentleman. The secretary of the Treasury had applied to him, in the early part of the evening, to know what motion he meant to bring forward. To this application he made a prompt and frank reply, by giving the right hon. secretary a copy of his intended motion, which copy, or a paper very much resembling it, he saw immediately afterwards put into the hands of the chancellor of the exchequer, and the secretary of the Treasury returned to him with this information, that the chancellor of the exchequer had no objection to his motion; adding, that the only difference was as to the nomination of the proposed committee. He had, therefore, concluded, that there would be no objection to the motion for the appointment of the committee to-day, provided he postponed the consideration of the names which were to compose that committee until to-morrow. Such being his conclusion, he communicated to several friends who were likely to speak upon the subject, that the business would terminate in five minutes, no division or discussion being expected. These gentlemen had accordingly left the House, and having thus brought them into a scrape through his reliance upon the chancellor of the exchequer, as that right hon. gentleman's inclination was reported to him, he had no refuge but in proposing the postponement of the discussion.

Mr. *Lambton* expressed a hope that the chancellor of the exchequer would give some explanation as to the circumstances alluded to by his hon. and learned friend, for he could say, that his understanding with respect to the result of the negotiation was the same as that of his hon. and learned friend.

The *Chancellor of the Exchequer* said, that he had no objection to the postponement of the discussion, for the accommodation of the hon. and learned gentleman and his friends. An application was no doubt made to the hon. and learned gentleman for a copy of his motion, and such application was in conformity with the practice usually resorted to for the occasional accommodation of each side of the House. He had thus obtained a copy of the hon. and learned gentleman's motion, but, understanding that the hon. and learned gentleman insisted upon proposing himself the nomination of the committee, to which he could not assent, the treaty was broken off.

Mr. *Brougham* assured the House, that he had treated with the ambassador of the right hon. gentleman in perfect good faith, and that he was led to think there was no objection to his motion for the appointment of the committee; but it now appeared from the language of the chancellor of the exchequer, that if he himself were allowed to name the committee, he should not oppose the motion.

Mr. *Lambton* said, that according to his understanding the chancellor of the exchequer had expressed no objection to his hon. and learned friend's motion until he found, from seeing the names of the committee which his hon. and learned friend proposed, that the majority were not very likely to support his views.

The farther debate upon this subject was postponed until Tuesday next.

MOTIONS RESPECTING THE RESUMPTION OF CASH PAYMENTS BY THE BANK OF ENGLAND.] Lord *A. Hamilton* rose, to bring forward his promised motion upon the subject of the Bank. At a time when it was evidently intended to continue still farther the restriction of Cash Payments by the Bank, it was, in his opinion, the duty of the House to look to the conduct of that establishment with peculiar care, as well as to the proceedings of the minister, who was so intimately connected with it. With a view to understand the conduct of the Bank, he felt it necessary to move for copies of the notices issued by it for the payment of certain of its notes in cash within the last year. A pretty general impression prevailed, that those notices were issued merely for the purpose of delusion, and to induce a belief that the Bank was in possession of the means, and was in the progress of preparing to resume its payments in cash. It was, therefore, due to the character of the Bank, as well as to the satisfaction of the country, to explain the motive and end of those notices. It was now clear that there was no intention of resuming cash payments. A plea was advanced for postponing that desirable measure, arising out of certain negotiations for foreign loans; but this he believed to be a mere pretence. It was known that there was a great deal of cash afloat in this country about two years ago; but now, comparatively, little was to be found in circulation, notwithstanding the boasted issue of cash from the Bank. This issue was, however, he apprehended, but very trifling; and that the country had not much reason to rely upon the professions or promises of either the directors of the Bank or the chancellor of the exchequer, as to the probability of the removal of the restriction upon cash payments. But it was for the Bank to show whether any, and what beneficial effect had arisen from the steps it was reported to have taken to prepare for the resumption of its payments in cash. This was the object of his motion, and that motion could not be resisted on any such grounds as were advanced by the chancellor of the exchequer towards the close of the last session. At all events, it could not be constantly resisted, unless it were shown that some injury would result to the Bank from its adoption. The noble lord concluded with moving, " That there be laid before this House, a Copy of any Notice given by the Directors of the Bank to the Public in the year 1817, respecting any payment of their notes in specie; together with an Account of the Amount of Specie which in consequence of such notice the company of the Bank became liable to pay, and the amount actually paid, to the latest period the same can be made out."

The *Chancellor of the Exchequer* said, that the noble lord might anticipate his objections to this motion, if he recollected the grounds upon which he resisted a similar motion last year. These grounds were, that nothing would be so unadvisable on the part of that House, as to interfere with the conduct of the Bank in a case of this nature; that such interference was of all things most likely to derange the proceedings of that body, and to impede those preparations so essentially necessary for that final resumption of cash payments, which it was the wish of that House and of the country to witness. Yet the noble lord would deem it safe and convenient to bring those preparations under the view of that House; and for what purpose he could not divine. The best plan to pursue, was to allow the Bank to proceed silently and cautiously in the progress of its preparations. That it had taken up a vast number of notes and issued cash to a considerable amount in consequence of the notices referred to by the noble lord, was a fact which he presumed no one would venture to deny. It was also indisputable that those notices were issued with a view of paving the way for the complete resumption of cash payments. Into the circumstances which had since occurred, or which were likely to occur, to postpone that resumption, he was not then disposed to enter; but he would maintain, that the Bank had in the notices alluded to by the noble lord, given a pledge of its sincerity, and preparation to resume cash payments. The Bank, then, was entitled to confidence for the rectitude of its conduct, and its disposition to comply with the wishes of parliament and the public, as soon as it should be deemed advisable to remove the restriction. Therefore he could not sanction any measure which implied doubt as to this institution, and he felt it his duty to oppose the noble lord's motion.

Mr. *Grenfell* observed, that this motion was more interesting to the cause of the Bank than to that of the public; and therefore he was surprised to find that no director rose to speak upon it, especially as he had lately seen no less than four directors in the House. But he remarked that the chancellor of the exchequer was always ready to step forward as the champion of the Bank, without the aid of a single speech from any of the directors of that institution; of the votes of all of whom, however, he was of course fully assured, especially upon any question connected with their own interest. The right hon. gentleman had indeed those votes whenever he (Mr. G.) brought forward any motion with respect to the Bank. But the right hon. gentleman was not ungrateful, for when he (Mr. G.) objected to the allowance of half a million per annum to the Bank for performing the office of bankers for the public, and also to the grant of 300,000*l.* for managing the payment of the interest upon our public debt—when he protested against such improvident, such inordinate grants, the chancellor of the exchequer always stood forward as one of the contracting parties, urging that whatever the members of that House, or the people of the country, thought of these grants, the Bank rendered such services to the public as formed an ample compensation; but what these services were was never accurately defined. As to the motion of his noble friend, the chancellor of the exchequer's objections were the same, he perceived, as those which he had advanced to a similar motion in July last. The case of the country, as well as of the Bank, was, however, rather different at the present time. The chancellor of the exchequer observed in July, that to accede to his noble friend's motion would only serve to gratify an idle curiosity, as the Bank had virtually resumed its payments in cash. But this was a statement which the right hon. gentleman would hardly venture to make on the present occasion. The motion of his noble friend, against which the right hon. gentleman had advanced neither fact nor argument, was such, in his opinion, as the House ought to adopt, especially with a view to obtain such information as was peculiarly necessary to guide its judgment upon the discussion of the bill, which was soon to be expected for the farther continuance of the restriction upon the payment of cash by the Bank.

The House divided: Ayes, 11; Noes, 34.

Mr. *Tierney* said, that he rose for the purpose of moving for the production of certain papers connected with the issues of the Bank of England, to which he understood no objection was intended. His motion went to the farther continuation of the weekly accounts of issues of the Bank, from the 3d of February, to the 3d of the present month. It was not his wish to enter into many observations at present, willing rather to take the subject into consideration as a whole question, than in detached parts. It was, however, necessary to advert to some circumstances, in order to put the House in possession of what his object was in moving for the production of the accounts of the weekly issues, and of the course, which, dependent on the information these accounts gave, it might become his duty to take, respecting the engagements of the Bank with the country, as to its resumption of cash payments. And, in the first place, he begged to deny that he had ever expressed any doubt as to the fact of the Bank having accumulated a large amount of specie, greater, he believed, than at any former period in the history of their concerns, in their vaults. But what availed that accumulation with reference to the return of payments in cash, if there was such a progressive increase in the amount of the outstanding notes, as tended to counteract the specie accumulated? He was most anxious in these inquiries to deal very amicably with the bank directors. Many of them he knew were truly solicitous to fulfil their engagements with the public, and amongst those he knew that the very worthy gentleman (Mr. Harman) who filled the chair, stood pre-eminently forward. It was, indeed, to be expected of him, who was a thorough bred English merchant, and who therefore knew the value of a wholesome state of the circulation to the commercial world. The papers presented had thrown so much light, or rather he would say darkness, on the subject, that he could not well see his way. At the end of the last session, the chancellor of the exchequer had declared, that there was no doubt of the resumption of cash payments by the Bank, at the expiration of the time specified by law. He had since gone farther by stating that the Bank had virtually commenced such payments. Now all must agree, that whenever that resumption should take place, it must be attended with a considerable diminution of their issues. He was fully aware that such an inconvenience, as inconvenience it must be, was a subject with many of great and natural alarm. And therefore he was anxious on that point not to be misunderstood as at all wishing, in the event of the Bank paying its notes in cash on the 5th July next, that even a measure so desirable on many grounds, should be brought about by any sudden stoppage of its issues. His desire was to see the Bank gradually withdraw its outstanding notes. The House must see that the inconvenience will be felt, more or less, according to the preparation of the Bank to narrow its issues. Now, what inference did the conduct of the Bank, since the last meeting of parliament, afford on this head? The session had scarcely terminated, when the Bank changed its previous course, and issued a very large amount of notes. There were on the table of the House the amounts of issues for the eighteen months, from July 1816, to December 1817; and from these it appeared, that the issues in the first six months of that period amounted to 26,300,000*l.*; in the second to 27,400,000*l.*; and in the last, that was to December 1817, to 29,000,256*l*. Thus it was evident, that if the Bank, in place of preparing for the resumption of their payments in cash, at the time specified by law, had determined to multiply impediments to such a result, they could not have more dexterously managed to effect the latter object than by the conduct they were pursuing. What course, he would ask, was more calculated to augment all the inconveniences which would naturally attend the resumption? Was it meant to create such a state of circumstances by the excess of issues, as would have the effect of frightening the country from the return to cash payments, by the apprehension of the convulsion which such an amount of circulation would produce? It was unintelligible to him how these large issues arose; for the House must recollect, that the accommodation to the government formed no part of it. Would the chancellor of the exchequer say, that if the Bank had abstained from these issues, he would have been enabled to make those flattering statements of our financial interests in which he sometimes indulged? Could he have disposed of his exchequer bills? The advances of the Bank to the government, he took at 10,000,000*l*., that left 19,000,000*l*. unaccounted for. The average of the discounts he calculated at 2,000,000*l*. at the most. Under these circumstances, without acting hostilely to the Bank, did it not become every man who looked to a wholesome state of the circulation, to watch its proceedings narrowly, in order to ascertain what were the preparations making to enable it to fulfil its engagements with the public? If these preparations tended to multiply difficulties rather than to facilitate the return to payments in cash, then he must say, there was a juggle going on, disgraceful to the Bank, and discreditable to the government. In that case, the Bank had turned its back upon its duty, either to amass property for itself, or to show its subserviency to the treasury. He would give them a month longer. If in the accounts he now moved for, and in those for which in April he intended to move, he should see progressive reduction, then he would feel that the Bank were in earnest in their preparations. Should a contrary appearance present itself, it would become his duty to take the consideration of the House on resolutions which he should submit for that purpose. His sole object was, to restore the circulation to a healthy state. That was also the bounden duty of the Bank towards the public; and it was of importance that they should conduct their concerns to that end. He could not see, now that we were at peace, and no panic whatsoever existing, what, in the event of the restriction being taken off, should induce men to exchange their Bank paper for gold. But at all events no one could deny, that whilst the present fluctuating state of circulation continued, the private property of every man in the kingdom was placed in jeopardy, and that some great calamity must, sooner or later, be the inevitable result. It was impossible but that an inconvertible paper currency without limit, must end in ruin. It might be the case that some of the directors of the Bank would explain the motives for these increased issues of their paper. Should they afford no such explanation, but shelter themselves under the majorities of the chancellor of the exchequer, he, for one, and he believed the whole kingdom, would entertain suspicions of such conduct. The right hon. gentleman concluded with moving for "The total weekly amount of Bank Notes and Bank Post Bills in circulation from the 3d of February to the 3d of March 1818; distinguishing the Bank post bills, the amount of notes under the value of 5*l*., and stating the aggregate amount of the whole."

The *Chancellor of the Exchequer* did not intend to oppose the production of this account, nor did he think the present a fit period for entering into a consideration of the general question. He should only say, therefore, that he agreed for the most part with the principle maintained by the right hon. gentleman, that the reduction of the issues of the Bank was a necessary means and preparation for enabling them to resume their cash payments. He had some limitations, however, to suggest to the broad proposition that it was the only means, which limitations had been very clearly explained in the work of a deceased friend both of his and of the right hon. gentleman; he meant the late Mr. Henry Thornton.

Mr. *Manning* was surprised, after the right hon. gentleman's profession of a friendly disposition to the Bank, that he should act with such hostility as to summon it to an unconditional surrender at the expiration of a month. He must say, that he could not accept his friendship on such terms, nor could he be induced by any menace to sacrifice the interests of the Bank, and, as he believed, the interests of the country. He denied that the Bank had ever sought to shelter itself behind the majorities of the chancellor of the exchequer. The directors were prepared to justify every part of their proceedings. The right hon. gentleman had accused the Bank of enlarging their issues immediately after the last session of parliament, as if the operation of the funds, and the payment of the public dividends in July last, did not sufficiently account for the increased quantity of paper in circulation at that period. He could not at that moment, not having expected to hear the right hon. gentleman's statement, mention the other circumstances which might have contributed to an extension of their issues; but he disclaimed on the part of the Bank, any wish to extend them at that particular time. He had no intention to oppose the motion, and had never, when filling the chair of the Direction, been averse to afford the House all the information which, in its vigilance or jealousy, it might require.

Mr. *Grenfell* remarked, that the increased issues alluded to by his right hon. friend had taken place, not at one period, but had continued during the whole half-year ending in December of last year. The average circulation for that period exceeded, by a sum of between two and three millions, the average circulation of the corresponding six months of the year preceding. He would go farther, and assert, that the amount of circulating paper issued by the Bank of England for the last six months, was greater than at any former period of equal duration since the year 1797. He wished the House to understand that the extent to which gambling in the funds was carried on at the present moment was without precedent. He did not say, that the right hon. gentleman was desirous of producing such an effect: but the system on which he acted had an inevitable tendency to create and encourage the evil. It had, in fact, caused a greater degree of fluctuation in the value of the funds than had ever before been known; and it might be traced in some measure to the uncertainty that existed on the subject of renewing the restriction act. He entreated the right hon. gentleman to put an end to this uncertainty by openly declaring his intentions, or if the event depended on a contingency, to state what that contingency was. It was due in justice to the public, that those who stood nearest to the right hon. gentleman should not, by becoming first acquainted with the secret, possess themselves of very considerable advantages. The right hon. gentleman was a moral man, and he was sure was not aware of the effects of the present vacillation of the funds, or of the number of those who daily became its victims. The same uncertainty prevailed with respect to the right hon. gentleman's plan of finance for the year, and whether it was in his contemplation to fund exchequer-bills. He could not conceive any adequate reasons for all this concealment; and he again entreated the right hon. gentleman to give the public some information on the subject.

The *Chancellor of the Exchequer* felt himself called upon to say a very few words, after what had fallen from the hon. gentleman. He challenged the hon. gentleman to show, that any thing he had ever uttered with relation to the finances of the country, had led to the encouragement of gambling in the funds. He likewise denied that any persons had received or would receive private information from him of what financial arrangements he proposed to submit to parliament for the service of the year; and he treated the insinuation, therefore, with the contempt which it deserved. He did not think it consistent with his public duty to make the disclosures suggested by the hon. gentleman, and he should leave it to the House to judge, whether he was not more likely to promote gambling by any premature or partial declarations than by preserving a perfect silence on the subject.

Mr. *Tierney* observed, that as to the charge brought against him by an hon. director, of hostility to the Bank, it was not only himself, but every man in the country, who would be convinced, if no preparation, by withdrawing and reducing its issues, should be made in April next for resuming its cash payments, that the blame lay with the Bank, and not with the chancellor of the exchequer. The persuasion of the public, he was sure, would then be that the Bank, notwithstanding all its professions, was taking pains to prevent the performance of their engagements at the time limited by law. The country was entitled to look to the Bank for the protection of its currency: it was the condition of their charter, and the tenure by which they enjoyed all their advantages. If he should, therefore, observe, that they failed in making those timely and gradual preparations which alone could enable them to restore the circulation to a sound state, his only course would be to draw the attention of the House and the public to their conduct. He should then contend that the Bank had forfeited their claim to any further confidence. The hon. director smiled, and he was glad to see him restored to his good humour; but he must repeat, that the Bank were, on this question bound to act separately and independently of the chancellor of the exchequer. If the Bank neglected to take those precautionary measures which must precede their return to cash-payments, happen when it might, the responsibility would belong to them, and not to the government. With regard to foreign loans negotiated in this country, it could not be pretended that they would be facilitated by the resumption of cash-payments. The House certainly did not know how far the right hon. gentleman might wish to see our allies accommodated; but however that might be, with this the Bank had nothing to do. They had a plain, simple course to pursue. He could not help thinking that the hon. director, who had twice passed the chair, must, with his experience, be able to state the cause of the increased issues subsequent to the last session of parliament. As he would not, however, give any reason, he (Mr. Tierney) must find one for himself. He entertained much private friendship for the hon. director, but he could not forego his public duty; and if he should find in April next that the Bank were still proceeding in their present career, he should move certain resolutions declaratory of the opinion of parliament, for the purpose of giving that security to the property of the country which he conceived it would, under such circumstances, require.

Mr. *Grenfell* complained of the warm manner in which the right hon. the chancellor of the exchequer had expressed himself. Nothing was farther from his intention than to impute to that right hon. gentleman any improper or corrupt motive in his financial views. He believed him to be the last man capable of so acting; and nothing that ever fell from him should have been received as casting any thing like this imputation. He merely deprecated silence on a subject like the present, where the arrangements must be formed, and perhaps ready to be acted upon,

General *Thornton* hoped the Bank would take proper means to make their notes so as to render forgeries of greater difficulty than they now were.

The motion was then agreed to.

HOUSE OF LORDS.

Thursday, March 5.

Indemnity Bill.] On the order of the day for the third reading of the Indemnity bill,

Lord *Auckland* said, that notwithstanding the amendments which this bill had received in its passage through the House, he was still of opinion that it ought not to pass, at least in its present shape. His objections to it appeared to him insurmountable, but he should endeavour to comprise his statement of them in as few sentences as possible. It was not his intention to oppose the bill altogether, but to move its recommitment, with a view to its being divided into two bills. Only one ground of defence had been laid for the measure when it was brought forward, namely, that ministers or magistrates who might, under the operation of the suspension of the Habeas Corpus act, have arrested persons improperly accused of treasonable designs through mistake, or from zeal for the public good, should be protected from the consequences of such arrest, should there be no evidence against those persons, and should they be of course discharged. As far as this defence fairly went, he should be willing to admit the application of the bill, though he could not but regret that so very small a portion of information on the subject had been laid before their lordships; and that with regard to the necessity of this protection of the magistrates, their lordships had nothing before them but assumption. The noble and learned lord on the Woolsack had, on a former night, supposed the case of a magistrate assisting in dispersing a riotous assemblage of 11,000 persons at Manchester, being in consequence liable to 11,000 actions. Their lordships, however, would of course recollect that under the statute of George 2nd, a magistrate was not liable to an action for acts done in the discharge of his duty, except within six months, and therefore the magistrates alluded to were of course safe from any actions, on the ground of the conduct which had been referred to. But it was said, that other acts might have taken place at a later period, and under other circumstances, and therefore an indemnity became necessary. He had therefore no objection in this point of view to an indemnity for the magistrates, though he had great doubts whether it was not unnecessary. But how far did the indemnity extend? it was not merely to the secretary of state and to magistrates, but to every petty officer of police, to every creature who, to use the language of a former report, had instigated the treason he was employed merely to detect. What was this but to shield the infamy of wretches like these by preventing the possibility of their being confronted with those they had accused. To this alone did the plea urged, that the names of those giving information ought to be concealed, tend. Thus a person whose reputation had been blasted, whose prospects had been destroyed, and whose property had been ruined by the machinations of an informer, instead of having that resource which the laws of his country gave him to clear his character and re-establish his reputation, was to be subjected for the remainder of his life to all the infamy which an informer had managed to attach to him by means of secret information, whilst the informer himself was to be screened from all inquiry. This was reversing those maxims upon which the laws of the country were founded, and acting in direct contradiction to those principles which required the publicity of all criminal proceedings, and that the accused should be publicly confronted with his accuser; principles from which the most essential advantages were derived to the administration of justice. Upon what ground so sweeping a bill of indemnity was proposed, it was difficult to understand. It was said, on introducing the bill, that it was a corollary or necessary consequence of the Suspension of the Habeas Corpus.—But, after several explanations, the argument seemed to resolve itself into this, that if ministers had acted under the suspension of the Habeas Corpus so as to render an indemnity necessary, then an indemnity was necessary.—The arguments, indeed, in favour of this bill had been so changed and shifted, that it was difficult to understand on what argument it was founded. Certain it was, that this was the most comprehensive and sweeping bill of indemnity ever yet introduced; and that it might, in that respect, serve as a model for all future bills of indemnity, if it should be their misfortune to have any such introduced. It was to the real circumstances of the case their lordships had to look, in considering whether ministers had established any ground for passing this bill. Now what were the circumstances? A committee of secrecy had been appointed under the pretence of inquiring into the state of the country, and the conduct of ministers under the suspension of the Habeas Corpus act, but in fact with the sole view of stifling all effectual inquiry. What did the report of that committee contain? What could it be expected to contain? When it was brought forward, their lordships had found it merely a sort of newspaper abstract of the proceedings at Derby, terminating with a pompous encomium on the conduct of ministers, and of the magistrates who had carried the Habeas Corpus suspension into execution. The bill, however, did not confine its protection to those highly commended ministers and magistrates, but extended the indemnity to every menial agent who had been employed under them; to all the base informers and spies at whose instigation every act which was really criminal appeared to have been committed. Why were those men to be protected? On innocent men—at least men against whom no charge could be preferred in a court of justice, a mark of infamy was allowed to remain. It was most unjust that this protection should be given to conceal evidence. Such a practice was perfectly hostile to the spirit of English jurisprudence, which required that the accuser should not be heard in secret, but should be confronted with him against whom he brought his charge. This sanction given to secret information was deeply to be deplored, and he almost equally regretted that their lordships had in the committee given their sanction to the preamble of this bill, which was so inconsistent with all the grounds on which it was pretended to be introduced, and the purposes to which it was proposed that it should be applied. Their lordships had been told of the responsibility of ministers acting under the Suspension act, but what, became of their responsibility if a bill of indemnity was to be the necessary consequence of a Suspension act? For all the reasons which he had stated, he should move, That the bill be recommitted.

Lord *King* thought it necessary to say a few words on the motion made by his noble friend for recommitting the bill. In the shape in which the measure came before their lordships, it obviously extended the protection of indemnity too far, and much farther than any of the grounds on which the bill was pretended to be introduced warranted. In fact, it was proposed to extend indemnity as fully to him who did not deserve it as to him who did. It not only indemnified the magistrate who had acted in good faith under the Suspension act, but the spy who had provoked disorders which afforded the pretext for that law. That this protection of informers had been in view from beginning to end was evident from the manner in which the clause proposed for excepting those persons from the operation of the bill had been opposed and rejected. It appeared clear that it had from the first never been intended to confine the bill to ministers and magistrates, but to make it give a sweeping protection to the lowest agents. With respect to the preliminary measure, the report of the committee, which preceded the bill, it was notorious that the evidence on which that report was founded was altogether *ex parte*, for their lordships had refused to refer to the committee any of the numerous petitions presented from persons who stated themselves to have been aggrieved or seriously injured by the suspension of the Habeas Corpus. It was undeniable that many persons had had to endure solitary confinement for a great length of time. Why did not the committee inquire into their cases? The report of a former committee admitted that the spies employed to discover treasonable designs had instigated to acts which they were employed only to detect. Did not this warrant the suspicion that many of the persons who complained of the operation of the Habeas Corpus suspension had suffered innocently? The last report laid before their lordships stated, that up to a certain period it had been intended to bring the persons in custody to trial. He should be glad to be informed when this intention had been abandoned. He believed the true reason of refraining from trying the persons ministers had imprisoned was, that they had no evidence against them, except what they had procured from their spies and informers. But after the result of the proceedings on a charge of treason in Westminster-hall, where almost the whole case rested on the evidence of an informer, he did not think it probable that any trial on such evidence could have been again contemplated. The period at which the intention of trying the persons detained had been abandoned was, therefore, in all probability not very recent. When the bill was in the committee, their lordships had been told that it was necessary to protect persons who gave information of illegal designs. Here he could not help asking himself whether he was living in a country governed by law. Was it possible to conceive that in England it was now become dangerous for a man to do his duty to the public? Was it meant to be said, that if a man performed his duty, by giving evidence, tending to the punishment of crimes, he was liable to assassination? To this extent the supposition on which the protection was called for went; but he never could be brought to think so ill of the people of England, as to believe there could be any ground for such a calumny. In what part of the world were witnesses so secure as in this country? Their security rested on a solid foundation—on the publicity of all legal proceedings—on the excellent practice of confronting the accuser and the accused. Witnesses were safe, because there were no secret tribunals to excite the jealousy and indignation of the people. The way to bring witnesses into danger was the very practice which had been resorted to—the throwing of a veil over their evidence—the taking of informations without confronting the accuser with the accused. This was precisely the principle on which the inquisition acted. The holy office could, like his majesty's ministers, assign very plausible reasons for not making public the evidence on which its victims were consigned to dungeons and torments. This principle was the most dangerous ever introduced into this country, and if allowed to take root, would destroy every vestige of liberty. If bills of indemnity of this sort were to become the consequence of the suspension of the Habeas Corpus act, a most fatal encouragement to the abuse of power would be afforded. If all the base agents which had been employed during the late unfortunate period, all the infamous spies were to have protection and reward, hosts of those iniquitous beings would be created. The country would soon abound with such wretches as that Judkin Fitzgerald, of whom their lordships had heard so much. When ministers were asking for the power which was put into their hands, they called upon parliament to give it them upon their responsibility; but after obtaining that power and exercising it, they shrunk from their boasted responsibility by refusing all inquiry. But this was not all: they would, by the passing of this bill, establish a most dangerous precedent, and the act of 1818 would be quoted in support of future encroachments on the law and constitution; for it was impossible that any indemnity of a more extensive and sweeping nature could ever be proposed. The public had been disgusted within these few days with reports of persons employed by the police, exciting individuals to commit crimes, in order that they might obtain the blood-money consequent upon the disclosure of those offences which they had themselves excited; and what was the difference between the practices of persons of this description exciting others to the commission of offences for the sake of obtaining a reward, and the practices of individuals employed by the government, who excited to acts of treason, in order that they too might obtain their reward? When Brock, Pelham, and Vaughan, and wretches of that description, obtained a pardon, was it not to be apprehended that crimes would continue to be excited for the sake of the rewards which their prosecution produced, and if informers, such as Oliver and his associates, were to obtain impunity, would it not be a consequence that treason would again be excited, and that discontent would be increased? To sanction the impunity of informers under such circumstances, would be a violation of all the principles of justice. For such a stretch of legislation no ground had been laid, no plea that was entitled to attention. The system of employing spies was that which led to all the mischief on which this bill of indemnity was grounded: it was that system which promoted the proceedings that were made a pretext for suspending the Habeas Corpus. But the indemnifying such men must strike at all confidence in public justice, a confidence which greatly, if not mainly, contributed to the support of it. The suspension was had recourse to last year in a period of profound peace; and there was as much reason for its adoption four years ago, when the Luddites were creating disturbances, as last year. The only difference between the two periods was, that it was asserted last year that the disaffected were connected with clubs in the metropolis; but this rested only on the evidence of Oliver, and if his evidence were taken away, there was nothing else to support the allegation. If, then, these spies had promoted the measures that led to the Suspension, and if they were afterwards the only evidence on which that Suspension was so unnecessarily continued, it became the House at least to except them from the operation of the present bill. He doubted not his majesty's ministers might be able to bear an inquiry; but unless these informers were excepted from the operation of the bill, it looked as if they shrunk from all inquiry: he should therefore oppose the bill, unless the indemnification were confined to magistrates, and spies were altother excluded from its operation. Were they to indemnify informers for injuring the the characters of individuals against whom they might have malice, without any evidence to show that their conduct deserved it? To resort to such measures was to give a full scope to the malignancy of individuels who might choose to traduce others, who might choose to excite discontents in order to profit by them, or who might choose, by fabricated tales, to impose upon the government. As to the danger to persons giving information, arising from the disclosure of their names, it could only mean assassination, and it was too much to say, in a country like this, governed by laws and with the known disposition of the people, that any such danger could actually exist.

Earl *Bathurst* recalled the attention of their lordships to the nature of the motion before the House—it was not to reject but recommit the bill, for the purpose of dividing it into three parts, so that his majesty's ministers, and the magistrates acting under them, might be protected, and informers exposed to punishment, or at least be excepted from the proposed indemnity. The intention of the bill however was not to protect informers, but to save his majesty's ministers from the dilemma of giving up the names of the persons from whom they derived their information, or being obliged, if they refused to do so, to remain without defence. No ground whatever had been laid for dividing the bill in the manner proposed by the noble lords, nor had they adduced any argument whatever to prove its necessity or expediency. The noble mover himself had no objection to protect the magistrates who had acted conscientiously in discharge of their duty; but let the House look to the other parts of this case. Their lordships were aware that all cases of suspensions of the Habeas Corpus had been followed by bills of indemnity, and those bills had been granted without an inquiry, or without any appointment of a committee, on the notoriety that the powers granted under the suspension had not been abused. The only exception to this practice was in 1801; and the circumstances of that period were very different from those of the present. At that time there had not been merely a single suspension, but a series of suspensions from year to year; and an inquiry had then been instituted to ascertain whether the powers confided during so long a period had been properly exercised; and if it was found that no abuses had been committed, a bill of indemnity was considered as the consequence of the inquiry. On the present occasion the conduct of ministers had been referred to the inquiry of a committee; the committee had found, not merely that no abuses had been committed—the committee did not, as it had been asserted, conclude its report with a few compliments to ministers—but that no warrant had been made out except on information on oath. That was different from the language of the report of 1801. He did not say that this was the standard by which ministers were to be tried, or the rule by which they were in future to guide themselves in the exercise of extraordinary powers: he had reason to know that in other times those powers had been exercised on very different grounds, and such times might come again, when it would be impossible for ministers to discharge their duty honestly by such means. It was not, therefore, that he conceived the secretary of state bound to abide by such a rule, but that, abiding by it, he had succeeded in saving the state from all the horrors of anarchy. It was this, he thought, afforded the strongest presumption that the powers confided to him had been well and properly exercised. But it had been objected that the evidence was all *ex parte*. But after the report of the committee, were there any noble lords who would deny that parties had been detained on oath, and that their conduct had justified that detention; of what then did the noble lords opposite wish to be informed? Did they say that they wished to know the character of those who had furnished information to ministers, that they might then consider whether it were proper to conceal their names? What then, in order to know whether the names of these persons ought to be concealed or not, they would begin by a disclosure of their names! This was extraordinary reasoning indeed. But their real object in wishing to obtain the names of the informers was this—that they might be able to show, that in fact no traitors and no conspiracy had existed, and that therefore the act of last session ought never to have passed. However, it was not the time now to enter on that question. It was sufficient that the act did in fact pass; and it passed because there was full evidence of the existence of crimes and treasons, of such a nature as to make its enactment necessary to the tranquillity and safety of the people. It was not now the time to inquire whether that act should have been passed or not, but whether the powers granted under it had been properly exercised. It was not now the time to inquire whether dangerous designs and treasonable practices had existed, but whether the means adopted to repress them were such as were warranted by the extraordinary powers confided for their suppression. The argument of the noble lord was most extraordinary; for he brought forward facts of the most contradictory nature, to show that such an act should never have passed. If the act was justified on the ground of disturbances having existed, of what use was the act, said the noble lord, when disturbances had existed four years before, and the same measure was never applied to them: if it was shown that the country was now restored to a state of tranquillity, the noble lord said that the quiet that now prevails is a proof that the act was uncalled for. If it was urged that trials had taken place, and criminals had been found guilty, those criminals, according to the noble lord, were led into a conspiracy by spies and informers. If the result of some trials had been a verdict of not guilty, the noble lord urged it as a proof that no conspiracy existed. It would be just as reasonable to say, that a verdict of not guilty on a trial for murder was a decisive proof that no murder had been committed by any one, and that the person killed was actually alive. This, then, was the state of the case—the noble lord could not dispute that dangerous designs had been checked in their progress; but he disapproved of the means that had been adopted for that purpose, and therefore, vented all his invective against the persons on whose information the warrants had been granted; and what did these invectives mean? That if any well-disposed, any good and loyal person, knew of dangerous designs and conspiracies directed against the government and peace of the country, it was not his duty to come forward and disclose them as quickly as possible. Would the noble lords opposite say, that when parliament itself found and proclaimed the dangers that were impending over the country, those who were acquainted with the cause and point of danger, were not to come forward and disclose all they knew? and if they did so come forward, was it not fit that the House should afford them its protection? But the noble lords said, " What had they to fear? why not bring them forward and confront them with those whom they charged with crimes?" Was it nothing to be the object of the noble lord's invective? Was it nothing to be exposed to all the shafts of disappointed malice and the revenge of those whose schemes had been disappointed? Was it nothing to be the objects of party-spleen and victims of busy malignity? It was, indeed, the duty of parliament to afford them its protection—a protection that the ordinary courts of law afforded to common informers. Another objection had been made by the noble lords opposite, to the practice of a bill of indemnity following a suspension of the Habeas Corpus: and their objection was this—" that a suspension was first proposed, and in order to smooth the way for it, it was held out that persons in the execution of extraordinary powers were to be restrained from exercising them in an improper manner, by the responsibility they were subject to; but this was all nugatory, if a bill of indemnity was to follow every suspension." To whom, then, were the persons intrusted with such powers responsible? To parliament—to parliament that gave them the power—to parliament that would not have given it unless it had been necessary, but which would certainly protect those to whom a proof of that necessity had been intrusted. It was in the full confidence that this protection would be afforded if they conducted themselves properly, that ministers ventured to exercise the powers intrusted to them; and the apprehension that such protection might be refused if their conduct would not bear inquiry prevented the commission of any abuse. Their lordships knew that they had given their sanction to such measures over and over again, but their doing so had never injured the liberties or prosperity of the country. But why? Not because the men to whom such powers had been committed were men of extraordinary forbearance or goodness; no! they were but men, and, as such, subject to all the infirmities and weakness of their fellow men; but the reason that they did not abuse the powers intrusted to them was, that they were responsible to parliament; and if they failed to exercise those powers in a proper manner, they knew that no protection would be afforded them. The practice of passing bills of indemnity showed the necessity there was for so doing, and that necessity showed the responsibility of those for whom they were passed. If they were not responsible, it would not be necessary to pass a bill of indemnity. As he did not perceive any argument against the bill in all that had been urged, he could not possibly accede to the motion made by the noble lord.

Earl *Grosvenor* observed, that the noble viscount opposite had on a former night exerted himself with great pains to defend the employment of spies. But the noble earl had gone much farther. He had taken great pains not only to justify the employment of such persons by the government, but to induce their lordships to look upon them with a degree of respect, which he was confident their minds were ill prepared for. Though he admitted that much might be said to countenance the employment of spies and informers, in cases of urgent necessity and danger; and though he was prepared to hear such topics insisted on by the noble earl upon the present occasion, he did not expect that he would have thought it expedient to attack the laws of the country. The depositions of informers should be sifted to the bottom; the testimony of any one who came forward with a view to reward should be received *grano salis*, because the circumstance of its being connected with such a view rendered it necessarily of a suspicious nature. Such persons were protected in courts of law, but they were not concealed. God forbid they should! for in such a case what would become of the justice of the country? The noble earl was far from being happy on another subject—his defence of the evidence derived from such sources. He maintained that as their depositions were made upon oath, the case which was so made out was not to be considered as merely an *ex-parte* case. But how did their lordships know that the depositions were so given?—from the statements of ministers, which statements were in themselves *ex-parte.* He remembered to have heard the same argument in 1801, but could never bring his mind to regard it as a satisfactory answer to the charge. Even supposing that all the depositions were taken upon oath, why did they not hear the depositions on the other side upon oath also? was not the fact of their refusing to hear both sides, in itself an *ex-parte* proceeding? It was with much pleasure that he gave his support to the motion of his noble friend, having always entertained but one opinion on the subject, which was decidedly hostile to the measures of last year in every shape. Acting upon this conviction, he should enter his solemn protest against the present bill, because it was connected with the whole of those measures which struck so deeply at the freedom of the constitution. Their lordships were well aware of the value of that constitution, and could not be ignorant of the dangers resulting from the establishment of a single bad precedent. This precedent would be brought forward in future times, when it might be applied to the worst of purposes. For what was the precedent?—an unnecessary suspension of the Habeas Corpus act; and as in ninety-nine cases out of a hundred, the favourite ground of justification was authority, the transactions of the present day would not be without their dangers to posterity. He was far from disputing the general propriety of suspending the Habeas Corpus act, when circumstances required and justified it—but the case to which he was alluding was not of that description, and it was impossible to appreciate the extent of the mischief which it might become the means of entailing upon the country hereafter, if unfortunately it should be employed by weak and wicked ministers, to serve the purposes in which they would naturally engage. It might probably be expected, from the part he had taken in the discussions of last session, that he should have been present on a former evening, when the enactments were discussed in the committee; but he felt that his attendance was unnecessary, and although he would not approve of the measure itself, he was not prepared to say, that there were not occasions upon which an indemnity bill ought to be passed. Two grounds were necessary in order to justify a bill of this nature. In the first place, it should be shown, that there was no invalidity in the grounds on which the Habeas Corpus act had been suspended; and, secondly, that there was no abuse of the powers which that act gave to the administration. He was bound to say, that he could not support the bill, because he did not think that satisfactory grounds were established to prove the necessity of the measure out of which it arose. All the doubts he had entertained and expressed in the course of last year, were confirmed by every thing that had since transpired. Though the justification on which ministers relied, was the alleged danger of the country, he believed the real cause of their proceedings was an apprehension of the progress which parliamentary reform was making in the country. If they thought the views of the reformers were of a dangerous tendency, and the principle of universal suffrage subversive of the constitution, the best, the most candid, and straight-forward proceeding for them to have adopted was, to consider the publications in which such views were manifested, and such principles avowed, as libels, and to prosecute them as such. Considerable alarm was excited last year by the reports of the committees, and by the language which was adopted by noble lords in that House; but after the first report was published, it soon betrayed its own infirmity. It was found to be defective in one material point—that of the existence of a club in London, with which all the minor clubs throughout the country kept up a correspondence. He had already stated, that on the first publication of the report, considerable alarm had been spread throughout the country. In Chester a club had been formed to obviate the supposed danger, called "The King and Constitution," the chairman of which soon afterwards received a diploma, enrolling him among the Knights of the Order of Brunswick—a new order, created especially on this danger—as if there had not been orders enough in the country; as if the Order of the Garter, of Saint Patrick, of the Thistle, and of the Bath, with all its branches, extending to the "crack of doom," were incapable of satisfying the chivalrous spirit of this age, without this new order of the Knights of Brunswick. He might have added also, the order of the "Honoured Leek," to which he could possibly have no objection, being half a Welchman; and in this he was very disinterested, for he did not see his own name enrolled among the proposed knights. With regard to the seditious and blasphemous publications, on which so much stress had been laid, he would declare that he had never heard or seen any thing of them until the trial of Mr. Hone. The jury by which he was acqitted, looked probably on those productions with the same disgust that was felt towards them in that House; but he thought it would not be difficult to conjecture the grounds upon which they had brought in their verdict. [The lord chancellor requested the noble earl to state them.] Earl Grosvenor said he had no objection. The jury probably saw that the prosecution originated in a political feeling. They recollected that similar publications had, at one period of their lives, received the sanction of some noble lords of that House, and that even if Mr. Hone should fall, he should not fall by the hands of ministers: "non tali—debuit ense mori." "If Clytemnestra should fall, it ought not to be by the hand of Orestes." Another reason might also be assigned: the jury had heard so much all their lives of the importance of looking at the intention of the offending parties, that they did so in this instance, and they thought that Hone had no intention to ridicule sacred subjects, but to ridicule his majesty's ministers; that he had no such intention was evinced by his withdrawing the publication as soon as he found it objected to, and before prosecution. As no law existed against applying sacred subjects to secular purposes, it was very natural that the indecency of such a course should escape the notice of a man of little education and less taste; and the more so, as the best authority to be found on such a subject (that of eminent divines from the earliest to the latest period) was altogether in support of the practice. With respect to the publication and distribution of those Parodies, he begged leave to mention one circumstance. In a county, with which probably the noble viscount was acquainted, the magistrates were extremely anxious to discover the distributors of blasphemous and seditious publications, and after many vain inquiries, they at length discovered the distributor in a person who had always been looked upon as eminently *loyal*, taking that word in the signification that the noble lord probably would attach to it. A letter was immediately transmitted to the office of the secretary of state, mentioning these circumstances, but no answer was returned. A second followed, which obtained no farther notice, and thus the matter rested. As to the spies and informers, he could bring persons ten thousand times more respectable than spies and informers, to prove that Oliver and others were at the bottom of the conspiracy. Would the noble lord deny that Bacon was acquainted with Oliver—Bacon, who was concerned in that transaction for which the unfortunate persons suffered at Derby? After all he had heard last year about the responsibility of ministers, seeing the result to be a bill of indemnity, he was persuaded (however respectable ministers might be) that their wishes were of a most despotic description. He was told that there was no danger from the rich and affluent, but from the poor. Were the indemnities on former occasions accorded from fear of the poor? No! It was the great and opulent, who in every case must join to cause any danger to the government. A noble earl had alluded, on a former night, to the French revolution, for the purpose of showing the miseries which the lower orders might bring upon a country; but did the noble earl mean to say, that there were no great persons concerned in the French Revolution? Did he mean to deny that the duke of Orleans was concerned in it? The French Revolution was not to be attributed to the violence and power of the lower classes, but to the weakness of a corrupt system of government. Such would ever be the case when oppression compelled society to redress itself. At present a torrent of despotism had flown out on the nations like an eruption of lava. The little court of Saxe-Weimar was stretching its puny arm to extinguish the liberty of the press in Germany; but all their machinations would terminate in provoking to an earlier and more stable existence the liberties and happiness of the people. They might flatter themselves that the day-star of liberty was set for ever; but they would see it re-ascend once more—

> ......Think'st thou yon sanguine cloud,
> Rais'd by thy breath, has quench'd the orb of day?
> To-morrow he repairs the golden flood,
> And warms the nations with redoubled ray.

It had been a most unfortunate thing for this country, to be so closely connected with those despotic governments; it led to despotic ideas, and a most expensive and unnecessary increase of our military force. With 60,000 yeomanry in Great-Britain and Ireland, not a man more was in his opinion wanting, to preserve the tranquillity of the country; and the most rigid economy was at the present moment the more desirable, as he collected from the statement on a former night, by the noble earl opposite, that the sinking fund would be requisite to meet the expenditure of the country in the present year. Being perfectly convinced that the object of the noble earl was, to assist towards the establishment of despotic government, and seeing that no case had been made out for the bill before the House, he cordially supported the motion of his noble friend.

The Bishop of *Exeter* expressed his surprise at the levity with which the noble earl, who was always considered a serious character, had treated the subject of those productions which had done so much mischief in the country, and which had excited the disgust of every well wisher of the established church. It was not necessary for him to repeat what the noble earl had said respecting blasphemous publications, nor did it appear to be of any importance to consider whether they were intended to ridicule ministers or not. If other publications, possessing more point and wit, had been directed to a similar purpose, would it be contended, that therefore the present attempt to bring our sacred book and our sacred liturgy into disrepute was justifiable? It was a serious calamity that such publications should be treated with levity. They had already done great mischief, but he hoped in God the progress of that mischief was now arrested.

Earl *Grosvenor*, in explanation, said, that he had so unequivocally expressed his dislike and his sense of the indecorum of the parodies in question, that he little expected the reprehension of the right reverend prelate. As to the mischief done, he could not find that the parodies had been widely disseminated; but if any thing was likely to make them known, it was the very means taken by ministers for their suppression

The Bishop of *Exeter* declared, that to his knowledge many of the parodies had been distributed in his diocese before the prosecution in question.

Lord *Rolle* assured their lordships that they were also distributed very extensively in Devonshire. With respect to the propriety of employing spies, he could state, that a plan was laid for the purpose of getting at the arms of his regiment, which would probably have succeeded if it had not been for the intelligence of spies; and surely it would be improper to give up the names of the persons who had conduced to the defeat of such a scheme. If some strong measure had not been adopted, greater evils would have occurred; and if the ministers were answerable for any fault during the late transactions, it was in his judgment the fault of too much mildness.

The *Lord Chancellor* said, that although he had not intended to speak on that occasion he was called up by some observations of the noble earl. It was by no means his intention to follow the noble earl through his speech, in which he had so closely adhered to the question before their lordships, that not a single word of it made for or against the proposition that the bill should be divided into three parts. The noble earl would therefore excuse him, if he did not answer all the topics which he had introduced. Ministers, and himself amongst the number, had been accused by the noble earl of abridging the liberties of the people, and of oppressing the lower classes of society; and his lordship had hinted that he (the lord chancellor) thought the poor were all seditious, and ought to be guarded against. This was by no means his opinion. All he would say on that point was, that he had endeavoured, throughout this business, to do his duty to the country at large—to all classes of the community, and the noble earl would allow him to add that he was a little more afraid of some of the rich, than he was of the poor. However, he had been called up by some observations made by the noble earl on those horrible, disgusting, blasphemous, and seditious publications, that had been so justly the subject of prosecution. Did the noble lord say, that when the country was deluged with publications of this sort, the bane of all that was sacred and good, that prosecutions were to be avoided under the fear of giving them greater publicity? He (the lord chancellor) knew that most of those who had lately suffered, owed their misfortunes to the poison imbibed from such publications. But if this doctrine of the noble lord's, that such publications were to be left unnoticed from the fear of giving them greater publicity; if this doctrine were to hold good, then must their lordships sanction all that was dangerous to morals—all that was subversive of religion and good government. Almost every man, in and out of parliament, had expressed his abhorrence of those productions—and yet it was argued, not very consistently, that the persons who were the means of propagating them, should be suffered to pass unnoticed. Those persons, he would say, had to answer for most of the sufferings which individuals had endured, in consequence of the recent troubles—not merely of those who had committed misdemeanors, but of those who had been capitally convicted. He spoke this confidently, because he had their own authority for the statement. By not prosecuting such offences, they would invite every licentious person in the country to undermine and destroy all that was dear to them. The person who said this to their lordships had had the misfortune to live in times in which libels were not directed against them, as individuals — when scurrilous publications were not confined to their private characters—he had had the misfortune to live in times when it had been his duty in his official capacity to repress a system of libelling, not directed against private individuals or public characters—not directed with the view of any narrow party, but calculated to destroy the whole character of our constitution and laws. He knew what it was to be exposed to obloquy for having done his duty—and this had led him to consider the conduct of the present chief law officer of the Crown, in the discharge of those duties which he (the lord chancellor) had once the honour of performing. He conceived that that individual had acted in the most meritorious and exemplary manner. He would go farther and say, that if he had swerved from the responsibility attached to any one step he had taken, he would not have fairly or honestly discharged the duty which he owed to the public.

The Marquis of *Lansdowne* observed, that the present was probably the last occasion on which the bill before them would come under their discussion, he should therefore avail himself of the opportunity to allude to the proceedings which had engaged so much of their attention in the course of the last year. After the act for suspending the Habeas Corpus, it might, he would admit, be necessary to indemnify the persons who had acted under its provisions. When parliament agreed to give certain powers, it imposed a certain duty, and it was bound to follow the individuals on whom such duties devolved, not only with a view to investigate their conduct, but to afford them protection. He differed, however, from the noble earl as to the extent to which the shield of indemnity should be held over all the classes of informers. The noble earl had maintained that it would be impossible to procure evidence from informers, if they were to be brought forward, and had asked in what a situation would they be placed, if they were exposed to the taunts of his noble friends. Did the noble earl consider the effect his observations would have on false informers, as well as on true? Did he consider the effect it would have thus to hold out certain impunity to the whole class of informers, whatever their conduct might be—to tell them, that however malignant that conduct, a sweeping protection would be thrown over them without any inquiry, and without affording any redress to the injured? The legislature ought to have an opportunity of distinguishing between those who acted from just feelings, and those whose deeds were the offspring of that infamous malignity which often influenced a base and bad man to become an informer. It was conformable to the constitution of the country, that those who made charges against any individual should not shrink from the avowal of them. If that were not so, the law of this country would be like that of Venice, or other countries, in which secrecy was one of the principles of legislation. England would then be robbed of that which, however it might be sometimes injurious to individuals, was so generally glorious and beneficial, that no partial inconvenience could counterbalance it. He by no means meant to contend, that in no case should parliament extend the protection now required; but he called on parliament, whenever they did so, to recollect, that they made a great and dangerous exception to the law. The greatest caution should be used in all the steps leading to so hazardous an anomaly. It had been well said on a similar occasion, by an eminent orator, the late Mr. Windham, in terms homely, but full of common sense, "you ought not only to take care that you are convinced, but take care that you come honestly by your conviction." Had their lordships come fairly and honestly by the conviction which induced them to agree to the present bill? In answer to this question, he would refer to the report on the table, and then to the bill in its amended state. In that amended state of the bill, was the principle for the first time avowed (for the report contained no such principle), of the necessity of indemnifying persons for acts done by them contrary to the law. The words introduced by the learned lord on the woolsack, and which, he contended, were not borne out by any thing they had heard from ministers, or which had transpired in the report, were these: — "and whereas some of the said acts, so done, may not be strictly justifiable in law, but being done for the preservation of the public safety, the persons who have done the same ought to be indemnified in respect thereof." Before this amendment of the bill, the ground on which parliament was exclusively called on to agree to the measure, was the expediency of protecting persons called into court from producing the evidence on which they had acted, and which could not be disclosed without prejudice to the public interest. That might be a very good subject for one bill. But was it right, now, on the third reading of this bill—founded too on a report, which stated, that the magistrates had exercised their power most mildly—to relieve magistrates and others from the responsibility which attached to them for illegal acts—without knowing what acts had been done, or what parties had been affected by them? Such a proceeding might be proper hereafter—but, under these circumstances it was a sweeping clause, which in justice, ought not to be agreed to. In the committee on the bill an objection had unexpectedly arisen as to the propriety of inserting Ireland in a particular clause, and on that occasion, the noble viscount, to explain the matter, was obliged to refer to one of the petitions laid on their lordships table—one of those very petitions which a majority of that House declared ought not to be referred to the Secret Committee. This proved the imperfect way in which the business had been carried on. In fact, no attempt had been made to examine the whole state of the country, which should have been developed, before any report was made or any bill introduced. Admitting, for the sake of argument, that parliament were justified last year in suspending the Habeas Corpus, in the absence of all the circumstances which had, until that period, been considered indispensable to such a bill,—there being no foreign war, no civil war, no part of the property of the country engaged in the alleged conspiracy; they were certainly bound to fence round such a measure with every species of precaution that might prevent it from being hereafter drawn into a mischievous precedent. For if there was a case in which the evil to be dreaded from repetition was greater than in any other, it was this, in which the legislature renounced the protection of the individual, which was its peculiar province, and abandoned him to the executive government, placing his liberty and privileges at its disposal, without affording him the possibility of redress for whatever injury he might sustain. He supported his noble friend's amendment, in order to do full justice to the people, and, at the same time, to do full justice to those individuals who had carried the act of last session into effect, and who, after due inquiry, might be found entitled to the protection of the legislature.

The Earl of *Westmorland*, after the able manner in which the question had been discussed on both sides of the House, felt great reluctance in intruding on the House, but wished to make a few observations on what had just fallen from the noble marquis. The noble marquis must have overlooked the earlier clauses of this bill, not to be aware that its general tendency, as well as the direct tendency of the clause introduced by his noble and learned friend, was to protect persons who might have gone beyond the legal discharge of their duty. The Bill of last year, for suspending the Habeas Corpus, founded on the reports of committees, composed of individuals of every party, was passed by a great majority of both Houses. What did the noble lords opposite object to the present measure? They said that the suspension of the Habeas Corpus was unnecessary, and that the insurrections and conspiracies which had existed, might have been put down without it. He concurred entirely in that opinion. He fully believed that those conspiracies and insurrections might have been put down by the executive government without the extraordinary powers given to it. But had the noble lords calculated how much murder, bloodshed, and devastation, might in that case have occurred? Had they considered how many brave soldiers might have fallen, or, if that were of little importance, how many of the deluded individuals themselves might have perished on the scaffold? It was mercy, and justice, and wisdom in the legislature to prevent such evils. Who could say to what extent the mischief might have proceeded, even had it been eventually checked, if parliament had not enabled the executive government to make the exertions which it had made? But their lordships had been told that all the disaffection which had manifested itself in the country was the work of spies and informers. It happened rather unluckily for this assertion, that Castles, one of the persons alluded to, had no communication with the leaders of the party respecting which he had subsequently given information, until three weeks after some of their most violent acts, and with respect to the other, that what took place in the country had been distinctly predicted long before he had been taken into the service of government. Spies and informers had from the earliest periods of history been the objects of popular dislike. But he believed that no government had ever existed by which they had not been used, and that hardly any conspiracy or treason had ever been detected and punished without their aid. He would not argue whether or not the nation at large owed gratitude to such persons, but this he knew that many individuals did owe gratitude to them for opening their eyes, and showing them that those whom they were protecting under the supposition that they were honourable men, were rank traitors. He was very willing to allow, that a bill of indemnity was not a measure that followed of course the act of last session. But it should be recollected, that when the legislature gave to the executive government extraordinary powers, it was the duty of that government to exercise them. It was the imperative duty of the secretary of state, if he felt the exercise of the extraordinary power vested in him to be necessary to the security of the country, to exercise it. But would parliament invest any man with power, and then leave him subject to prosecutions and persecutions for the remainder of his life, for having exercised it? Was it possible to suppose that the legislature of this country would leave a servant of the country in such a state? And if it was the duty of parliament, under such circumstances, to protect the secretary of state, it was equally their duty to protect the magistrates; and to protect those from whom information of the designs of the disaffected had been obtained.

The Earl of *Carnarvon* was free to confess, that his objections lay to both parts of the measure, though certainly if he were called upon to say to which in the present state of their lordships' information on the subject, he was the more adverse, he should reply to that lately introduced because it extended the principle of the bill to that of which their lordships had no knowledge, and respecting which no communication had been made from the Prince Regent, nor any information elicited from the sealed bag. The necessity for it was a recent discovery on the part of his majesty's ministers. He would by no means assert that if the circumstances were thoroughly investigated, there might not appear a strong case for this indemnity; but at present their lordships had no facts, no grounds before them. Were ministers to be allowed thus to call on the legislature whenever they might find it convenient to interrupt the ordinary course of justice, without assigning the slightest cause for such interruption? The excess of proceedings on the part of the magistrates was not even hinted at as a ground for the bill, until the last night of debate upon it. That excess might be unjustifiable. It had been said that where 10,000 men were collected, the assembly must be unlawful and that the magistrates acted with propriety in dispersing it. In a free country like this, where the freeholders and other inhabitants might meet at pleasure to address the throne, to petition parliament, &c. this was singular doctrine. Their lordships had been told that the meeting at Manchester was an unlawful assembly. He was ignorant whether or not it was so; for the statements on the table, referring to that subject, were in contradiction to one another. But supposing it as unlawful and riotous as ministers wished it to be believed that it was, the conduct of the magistrates by whom it had been dispersed, and who it had been allowed had exceeded their powers, ought to be investigated, in order to determine whether they should be indemnified or punished. The bill ought to be divided. It now proceeded on two allegations. For the one their lordships had some voucher, however imperfect; for the other they had no voucher at all. He had pledged himself again to bring forward in the present stage of the bill, the clause which he had proposed the other evening, allowing actions to be brought against persons who were charged with exceeding their authority, unless the secretary of state should, within a month of notice of such actions, make an affidavit that they could not be defended without danger to individuals and injury to the public service. But as the bill now stood, with this new proposition interlarded of which ministers did not seem to have dreamt before, it would be in vain for him to press any such amendment. He had only one course to take, which was, to give his negative to the bill, and, should that prove unavailing, to enter his protest in their lordships Journals against it. As a precedent, he was convinced it would be attended with more danger to the liberties, the security, and the happiness of the nation than were any of those disturbances which the noble earl thought, if they had been put down by the ordinary operation of the law would have deluged the country with blood. Their lordships certainly would not deluge the country with blood by passing those bills, but such might be the effect of the precedent which they would establish. In his conscience, he believed, that it was calculated to undermine and destroy the constitution of the country. When the legislature told the people of England that the constitution did not possess sufficient vigour to meet trifling and temporary difficulties, it was unquestionably not the way to induce them to love and defend that constitution whenever it might be assailed. With respect to the report on which the bill of last session was founded, and on which the noble earl had laid so much stress, he could only say that at the time the transactions took place on which the suspension of the Habeas Corpus act was founded he was at a distance from the country, and he heard with anxiety and alarm of what was going on. But whether it was, that, being removed from the scene of apprehended danger, he was less alarmed than many of their lordships, or whether it had arisen from something afterwards disclosed in the report itself, he must declare, that he no sooner read the report than he dismissed from his mind all apprehensions with respect to the internal tranquillity of the country. When he read in that report of the designs to undermine religion, &c.; and farther, that those designs were to be carried into effect by the 2nd December, he pronounced the whole to be a farrago of absurdity, which might terrify those who did not look deeply into the subject, but arising from which there was no rational ground of fear, except that parliament might be seduced to adopt that dreadful measure, the suspension of the Habeas Corpus, followed, as it had been, by this bill for suspending the responsibility of ministers; and now not satisfied with that, their lordships were required to go out of their way in order to protect all local and subordinate authorities who might have acted with unnecessary rigour. If there were any thing which could make such a suspension of the ordinary laws palatable to him, it must be the responsibility of those who were to exercise such extraordinary powers; for, in his mind at least, in proportion as the power was greater, in equal proportion must the responsibility increase. The report of the committee was the most meagre of any reports that had ever been laid on their table: it did not establish any ground for the measures that had been adopted; but it gave rise to many new principles, which, if sanctioned by the House, would inflict a more fatal wound on the liberties of the country than it would have sustained by any of those dangers which noble lords opposite had painted in such glowing colours. Government had derived little strength or benefit from the suspension of the Habeas Corpus. The fact was, that all the persons who had been tried were brought to trial within the period at which they had a right to be tried by the ordinary course of law, and all the advantage that government had enjoyed from the Suspension was, the power of detaining thirty-seven persons in custody beyond that period which would otherwise have been legal, an advantage against which was to be set all that the constitution had suffered. Upon the whole of this case, he felt it his duty to vote for the amendment of his noble friend; and if that were rejected, he should move that the bill be read a third time on that day three months.

The amendment was put, and negatived without a division. The earl of Carnarvon then moved, That the bill be read a third time on that day three months. Upon which a division took place: Contents, 12; Proxies, 15—27. Not Contents, 45; Proxies, 48—93: Majority, 66. The bill was then read a third time and passed.

PROTEST AGAINST THE INDEMNITY BILL.] The following Protest was entered on the Journals:

"Dissentient,

"Because it is manifest that there has been no widely-spread traitorous conspiracy, nor even any extensive disaffection to the government, since the Secret Committee, whose report is the sole foundation of this proceeding, do themselves express their satisfaction in delivering their decided opinion, 'that not only the country 'in general, but in those districts where 'the designs of the disaffected were the most 'actively and unremittingly employed, the 'great body of the people had remained 'untainted even during periods of the 'greatest internal difficulty and distress;' stating further as facts, 'that the insur'gents were not formidable by their num'bers, though actuated by an atrocious 'spirit, and that though the language 'used by many persons engaged in this 'enterprise, and particularly by their 'leaders, left no room to doubt that their 'objects were the overthrow of the esta'blished government, yet that such ob'jects were extravagant when compared 'with the inadequate means which they 'possessed; and that not finding their 'confederates had arrived, as expected, 'to their support, and that in the villages 'through which they passed, a strong in'disposition being manifested against their 'cause and project, some of them had 'thrown away their pikes *before the mili'tary appeared*, and that on the first show 'of force had dispersed—Their leaders 'attempting in vain to rally them.'

2nd. "Because in such a state of things so consolingly described by the committee, and so almost ludicrously destructive of every idea of an armed rebellion, or dangerous insurrection, more especially against a government supported by such an untainted people, and such an immense military force, we cannot but think that a different and less alarming course ought in wise policy to have been pursued, and that tranquillity might have been equally restored by a vigorous execution of the *ordinary laws* and the exertions of a vigilant magistracy, without any suspension of the public freedom, since it is the prompt selection and speedy execution of a *few palpable* offenders, rather than delayed proceedings against numbers upon doubtful testimony, that invest the courts of justice with a salutary terror and force.

3rd. "Because the departure from this just and judicious mode of proceeding, gave an indiscriminate importance to the accused, whilst it exposed the administration of the government to a dangerous disrespect.

4th. "Because even when the act of Habeas Corpus is suspended, *none* on that account ought to be apprehended upon questionable suspicion, or, to use the language of the report, upon 'such expec'tations of evidence as ministers have un'avoidably relinquished,' but upon such grounds only as would be just warrants for arrests and trials in ordinary times, the only legal effect of the Suspension being that it suspends the deliverance of the accused; we think, therefore, that a general indemnity for *such numerous and long imprisonments*, ought not even to have been proposed to parliament, until an open and impartial investigation had taken place.

5th. "Because, from the mistaken principle of this bill, malicious and meritorious illegality are equally protected, on the false and unfounded assumption that informations ought to be indiscriminately and perpetually secret, but even if we could agree that whilst traitorous conspiracies are actually in force, and extraordinary powers in action for their suppression, secrecy could in all cases be justified, yet we never could consent to its continuance after order was restored; the laws being then sufficient to protect good subjects for having honestly discharged their duties, and because holding out such general prospects of indemnity is a dangerous encouragement to mercenary informers, who make an infamous traffic in the lives and liberties of mankind, deceiving and disgracing the government, whilst they betray the innocent whom they accuse.

6th. "Because it is not the occasional resort to such secret and impure sources of evidence in cases of obvious necessity, but the systematic encouragement of it, which we conceive is sanctioned by this bill that we protest against and condemn, since the successful prosecutions of the worst traitors and libellers can bring no security to the government of this country, unless the conduct of its ministers and of its parliament, by a faithful adherence to the free principles of the constitution, shall constantly expose the malignity of their treasons and the falsehood of their libellous complaints.

(Signed) ERSKINE,
CARNARVON,
GROSVENOR,
LAUDERDALE,
MONTFORD,
KING,
AUCKLAND.
VASSAL HOLLAND,
LANSDOWNE,
ROSSLYN."

HOUSE OF COMMONS.

Thursday, March 5.

MOTION FOR A COMMITTEE ON THE EDUCATION OF THE LOWER ORDERS.] Mr. *Brougham* said, he rose to move the renewal of a committee which had already in two former sessions been engaged in a great and laborious investigation, and from which a large body of evidence had already been reported to the House; he alluded to the committee appointed to inquire into the Education of the Lower Orders. The committee had not been enabled to complete its labours before the close of last session; but he pledged himself last session that he should move the renewal of the committee at an early period in the present session, that it might lay the result of its labours before the House in sufficient time to admit of some measures being adopted before the close of the session. He had already stated to the House some proceedings which the committee were of opinion ought to be taken to remedy the want of education in different parts of the country. They were of opinion that assistance ought to be given by the public towards the erection of schools in different places where it might be deemed advisable to have them, but that the principle of granting a permanent income either to government or to any society, for the support of schools, ought not to be sanctioned—that where there was a want of the accommodation of school houses and houses for teachers, means for supplying that want ought to be furnished by the public, either by way of loan or otherwise, according to circumstances. It was the opinion of the committee, that a moderate sum of money was all that would be wanted for this purpose. When they considered the great sums which had been distributed in a sister kingdom for education, and that a very large annual grant was given by parliament for this purpose, he hoped they would see the propriety of bestowing some money for a similar purpose in England. Seldom had less than 40,000*l.* been annually granted, ever since the union, to the Irish charter schools. How far this money, which was given with so laudable an intention, was beneficially employed, was very doubtful. Indeed, all the inquiries which he had made into the condition of the Irish charter schools, led him to believe, that some way or other, either from carelessness or misapplication, these schools were productive of very little good. They received 40,000*l.* from the public and from the bequests of individuals they had an income of nearly 20,000*l.* more. Their whole revenue might therefore be taken at nearly 60,000*l.* a year. The House would be very much surprised to learn, that from this income of between 50 and 60,000*l.* a year, not more than 2,500 children were educated. When he said 2,500 children, he rather thought he stated the outside of the number educated by these schools. By a report made to the Irish House of Commons, before the Union, the number of children educated was stated at 2,500, and the bishop of Raphoe, in a charity sermon, stated them at that number. But when Mr. Howard instituted an inquiry into the subject, he found the number of children educated in the charter schools of Ireland not one-third of that number.—He believed that some reform had taken place since that time, and that these schools were now in a better condition; but he believed he was stating the outside when he stated the number of children educated by them at 2,500. To show the difference between the application of the funds of the charter schools of Ireland, and the application of a small fund raised by several praise-worthy individuals, he would state, that with an income of between 5 and 6,000*l.* the Hibernian school society in London had instituted and now kept up 340 schools, while the charter schools with an income of 60,000*l*, only kept up 33 schools. The Hibernian school society educated 27,000 children, while the charter schools educated only 2,500 children with nearly six times their income. Again, nothing could exceed the order and the cleanliness of the children educated by the Hibernian school society, whereas it appeared from

Mr. Howard's account, though he believed considerable improvement in that respect had since taken place, that the children educated in the charter schools were in a most wretched state. It would be painful to himself and disgusting to the House, to repeat the language which Mr. Howard was compelled to use on this subject. He trusted, that whatever assistance parliament might think proper to give for the promotion of education in this country, would be given with great temperance, and with the utmost precaution. This was a subject to which the committee, after their renewal, would probably first turn their attention. They would next have to consider the expense which might be requisite in the first instance, and what part of it might ultimately fall on the country. A very small part of the expense would ultimately rest with the public. There existed throughout the country large funds which had been bequeathed by individuals for all purposes of charity—and particularly for the education of the poor. Those funds had, in many cases, been grossly misapplied; often, no doubt, from ignorance of the best method of employing them, in cases beyond the scope of the committee it had come to their knowledge, that schools richly endowed in many parts of the country, had fallen into entire disuse. For the purpose of investigating the subject another tribunal ought to be instituted, besides a committee of the House of Commons. A committee of the House could not transport itself from place to place; its powers were limited; and to bring witnesses from different places throughout the country to London, would be attended with great inconvenience and expense. If commissioners or agents were appointed for this business, one journey to the different places would do, instead of bringing witnesses from all the different parts to London. In many places abuses existed, of which no knowledge could be obtained till persons went to the spot. It was now two years since this matter had attracted the public attention, and hardly a day had passed during that time in which he had not received, from one place or other, an account of some misapplication—of some schools founded, or meant to be founded, two hundred years ago perhaps, for which purpose lands yielding a considerable revenue were bequeathed,—while in one place only a few children were taught, and in another none. These abuses existed very generally throughout the country. It was highly honourable to the character of the people of this country, that great funds had been settled by charitable persons for the purpose of educating the poor. It was not generally known, that the income of the funds bequeathed for this purpose, amounted to between 2 and 300,000*l.* A sum like this, if fairly employed, would go a great great way indeed. Funds had also been bequeathed for various other purposes besides schools. The House would find that they were but entering on their task; for they ought to inquire generally into the misapplication of all charitable funds; this was a matter of absolute necessity. He therefore anticipated a recommendation to parliament to adopt a plan of education for the poor throughout the country; and, secondly, the appointment of a parliamentary commission to investigate into the misapplication of the charitable funds destined for the education of the poor; and it would be extremely desirable that a similar measure should be adopted for inquiring into the general misapplication of all charitable funds. He had two years ago stated, that in a neighbouring county a school had been established, and richly endowed, to the amount of 1,500*l.* or 2,000*l.* a year, which sum had been grossly misapplied; that the clergyman of the parish, who was appointed to the school, did not teach himself, but employed a mechanic to teach a few poor children; and that grudging this small sum, he had thrown the duty on the vicar, who was obliged to do it gratuitously. This account had been given to him in writing by a gentleman, in appearance a clergyman, and he had first communicated it to the committee, and afterwards to the House, without naming any person. However, the member for Essex had since informed him, that a respectable clergyman in Essex considered himself greatly aggrieved by this statement;—that instead of his place being a sinecure, he taught a great number of scholars, and employed more than one assistant, who, instead of being mechanics, were members of universities. He understood, however, that before the time of the present incumbent such a misapplication had taken place.—The hon. and learned gentleman concluded with moving, "That a Select Committee be appointed, to inquire into the Education of the Lower Orders, and to report their observations thereupon, together with the Minutes of the Evidence taken before them, from time to time to the House."

Mr. *F. Robinson* did not rise to oppose the motion, but merely to state, that he was intimately acquainted with the clergyman alluded to by the hon. and learned gentleman; and on his part he wished to state, that what had been said by the hon. and learned gentleman was quite correct. This was doing justice to the character and to the feelings of the clergyman, which were naturally hurt.

Mr. *Peel* wished to notice briefly the observations which the hon. and learned gentleman had made with regard to the Protestant charter schools of Ireland. The observations of the hon. and learned gentleman were probably made in ignorance of the public documents respecting these schools of a later date than the inquiry of Mr. Howard. He knew not whether he was acquainted with the report of the commissioners of education in 1808. The members of the board of education and their secretary had examined personally into the state of the Protestant schools, which, up to the time of the rebellion, were in a very wretched state. The contrast which their present state afforded was highly honourable to the masters. At the time of the report in question, these schools had not above 30,000*l.* a year from parliament, and 9,000*l.* a year from other sources. It was necessary to state also, when a contrast was made between the numbers taught in the charter schools and the schools of the Hibernian society, that the children in the charter schools were clothed and entirely supported, as well as educated, and the average expense of each child was calculated at 14*l.* a year. Thirty-nine establishments were kept up in different parts of Ireland.

Mr. *Brougham* admitted that a great improvement had taken place in them since Mr. Howard's time, yet he apprehended great abuses still prevailed. Of course, the clothing must considerably add to the expense of these establishments.

Mr. *W. Smith* remarked, that in many cases, from the great improvement the original bequest had received, the object for which the fund was bequeathed could not exhaust it. If the property bequeathed had been originally of the value of 100*l.* a year, and had since risen to 1,000*l.* the number of children ought to be augmented.

Mr. *Abercromby* was glad of the re-appointment of this committee, and also of the hint that it might be necessary to inquire generally into the state of charitable institutions in this country. He did not wish to embarrass the committee now moved for, by generalising the objects of its inquiry. But he was so convinced that this general inquiry should be made, that he gave notice that if no other member moved for it, he should think it his duty to do so.

General *Thornton* observed, that in girls schools, something useful was for the most part taught, while he thought there was a deficiency in that respect in schools, instituted for boys. In these, too, he thought some works of industry, that might enable the boys to earn an honest livelihood in after life, ought to be taught.

The motion was agreed to, and a committee appointed, consisting of the following members; viz. Mr. Brougham, sir S. Romilly, sir J. Mackintosh, Mr. Bennet, Mr. R. Gordon, Mr. Babington, Mr. Butterworth, Mr. J. H. Smyth, Mr. J. Smith, Mr. Wilberforce, Mr. Lamb, sir W. Curtis, sir J. Shaw, sir F. Burdett, Mr. C. Calvert, Mr. Barclay, lord Ossulston, sir R. Fergusson, sir H. Parnell, Mr. Holford, the marquis of Tavistock, sir T. Ackland, Mr. Alderman Atkins, Mr. Wrottesley, Mr. Abel Smith, Mr. Abercromby, and Mr. Warre.

MOTION FOR AN INQUIRY INTO THE CONDUCT OF SPIES AND INFORMERS WITH RESPECT TO TREASONABLE AND SEDITIOUS PRACTICES.] Mr. *Philips*, after moving that the petitions * of the inhabitants of Manchester and Salford, and of Benjamin Scholes, Joseph Mitchell, George Bradbury, and Samuel Bamford be entered as read, began by stating, that before he proceeded to recommend the House to adopt the motion with which he should conclude, it was his wish to guard himself from the suspicion of being inclined to encourage, or to appear as the advocate of itinerant orators, who preferred living by talking rather than by working, and who journied from place to place propagating their political sentiments. He had no hope of any public benefit being derived from such proceedings; but was convinced that their tendency was to produce directly opposite effects His sentiments on this subject might be inferred from the advice which he had given to a person of that description who had called on him since he came to town. His advice, though not offered in the form of paternal and correctional admonition (a phrase with which the House was well acquainted), was such as he had no doubt the government itself would approve. He had recommended to the person alluded to, now that he was liberated from prison, to desist from attempting to reform the state, and to attend to his own business and the interests of his own family. This advice met with the fate that unsolicited advice generally meets with. The man thanked him for it, but showed at the same time by his manner that he was quite determined not to follow it. The hon. member said, he was aware that, from peculiar causes a great ferment had arisen in the minds of people during the last year, particularly in the manufacturing districts. He was also ready to admit that the mere agitation of political questions of great importance and difficulty, by large bodies of unemployed and half-starved labourers, was of itself a sufficient reason for the exercise of vigilance, but such vigilance ought to have been united with great prudence and discretion: and if spies and informers were to be employed at all, their proceedings should have been most carefully watched, and their representations received with distrust. Indeed, to have accepted the office of spy should be such a presumption against any man's character, that he ought from that moment to become an object of suspicion. Little or no credit should be given to his evidence, unless confirmed by coincident circumstances and less exceptionable testimony. Every person knew how liable such characters were to misrepresent, exaggerate, and even to create mischief, if they did not find it, in order to magnify the apparent value of their services, and to claim from their employers a proportionably greater reward. It had been most justly observed in another place, that spies were much more dangerous when employed in the lower than in the higher classes of society. Among the latter, the only mischief they could do was by making false and exaggerated reports of the conduct and designs of the persons whom they were appointed to watch. With men of station and education, they could have comparatively little chance of influencing their conduct, and engaging them in criminal designs, which they had not themselves before meditated. But the case was very different with the lower classes. If spies were appointed to watch them, it was because they were supposed to be persons of superior intelligence and sagacity. Over ignorant and uneducated men they might easily acquire such an influence as to become their leaders. They might begin by suggesting to them schemes of mischief which they had never before contemplated, might gradually reconcile their minds to such schemes, and at length drive them on to the actual perpetration of them. On this part of the subject, the hon. member observed, that he had great satisfaction in being authorized by sir John Byng (whose name, in consequence of the command which he held, had been a good deal connected with the proceedings of the disturbed districts) to state, that no spy or informer had ever been in any carriage of his in Lancashire, that he had never had any such character in his service or employ, nor ever had any communication, either directly or indirectly, with persons of that description, up to the 28th of March, the day on which the individuals in Manchester, accused of traitorous designs, were arrested. Whoever was acquainted with sir John Byng, or had any knowledge whatever of his character, would do him the justice to admit that he was not less conspicuous for his humanity, than for the courage which impelled him to be the foremost in danger. Though fully sensible of the relation in which he stood to the government that employed him, and of the duties resulting from it, that gallant officer did not forget that he was the subject of a free state, nor would he ever divest himself of the constitutional feelings of an Englishman. Under the influence of these feelings, the government knew that he had occasionally incurred the displeasure of magistrates, for repressing their eagerness to have premature recourse to military assistance. It was unnecessary to remark, that in a season of general agitation like that of last year, the command of the manufacturing districts could not have been entrusted to an officer who would exercise it with more judgment, and more humane forbearance.—Returning from this digression, Mr. Philips said, that he did not see on what ground ministers could refuse to inquire into the proceedings of the spies and informers employed in those districts, without rejecting the conclusions of their own secret committees. Those committees stated their apprehensions that the language and conduct of some persons of that description, might have had the effect of encouraging the designs which it was intended they should only be the instruments of detecting. Their improper language and conduct appeared to be admitted on both sides of the House. Why should we not, then, inquire into the effect which they had produced? The question between us was only as to the extent of the mischievous consequences of their proceedings. The petitioners say, "We engage to furnish evidence of it to the House. We will, if you will examine us, show that the evil, whatever might be its nature, was principally, if not entirely, the work of spies and informers. We will give proof of their guilt, and of the innocence of many of the persons whom they have accused. We will show you that they and their emissaries were frequently proposing schemes of violence, and endeavouring to reconcile people's minds to the perpetration of them; that they were most anxious to appoint public and secret meetings, and used all the means in their power to prevail on others to attend them, in the hope of being able at last to make them the dupes of their own villanies, to have them arrested as traitors, and to reap the reward of their condemnation." Several of the petitioners were persons who had been arrested and imprisoned on the secret accusation of those spies and informers, and had been since discharged without trial. Others, such as the petitioners from Manchester had never been suspected of being at all implicated in criminal proceedings. These persons say, We have diligently inquired into facts, and pledge ourselves to prove the allegations in our petition. Here the hon. member said, he must protest against the mode of proceeding (reasoning he could not call it) adopted by the noble lord (Castlereagh). If the noble lord found that a petitioner had a bad character, or that a mistake had been made in any fact stated in a petition, he drew a general inference from thence against the character of all petitioners, and against all the facts stated in every other petition. It was unnecessary to say, that such an inference was not less illogical than it was ungenerous and unfair. It was a strong presumption against the case of the noble lord, that he found it convenient to have recourse to such an expedient. But if this sophistry was to be used on one side, let it be used also on the other. Was the noble lord prepared to say, that spies and informers, and police agents (for on their representations the communications made to government had been generally founded),—that those men were such pure and virtuous characters, that their testimony was above suspicion? What spies and informers generally were, he had already stated. Were police agents often much better? This question would be best answered by a reference to facts which had lately appeared in evidence, showing the activity of these persons in enticing others into crimes that they might profit by their condemnation. The House would judge of the extent of the temptation to wickedness offered to these men (a temptation that few of them had virtue enough to withstand) when they were informed, that a gentleman in Manchester lately gave, to his knowledge, 300*l.* for a Tyburn ticket. Was the noble lord prepared also to say, that no information on these subjects communicated to government had been proved to be incorrect? Did he not know that the dread of incendiaries and assassins, and the first public declaration against reformers in Manchester, were in a great measure caused by a report spread by an individual, that the reformers had burnt his house because he had spoken against their proceedings? Was not the fact communicated to the government as evidence of their mischievous intentions, and would it not have been found in the first green bag, if strong suspicion had not in the mean time arisen that the individual was himself the incendiary, and that in destroying his own property, he had also destroyed, by invalidating, a most valuable communication for the government?—Mr. Philips stated, that he was by no means inclined to assert that the spies and informers in Lancashire—the population of which approached to 900,000 persons—did not meet with some men who listened with pleasure to their villainous proposals, and would have had no objection, if occasion had offered, to assist in executing them. The facts, however, appeared to him to show that the number of such persons was very small, and not sufficient of itself to justify the alarm which had been excited, and excited principally, as he most conscientiously believed, by the agency of spies and informers. The hon. member observed, that he could not regard ministers as quite disinterested parties in this discussion. He did not believe them capable of making a plot entirely themselves, when none of the elements of one were previously in existence. But he could not help remarking, that the plot had been most useful to them, in withdrawing the attention of the public, and of some of their wavering friends in the House, from the demand so generally made at that time for economy and retrenchment; a demand the most distressing of all demands that could be made on such a government, as theirs. He would not say that ministers had made the plot, but he would say that they had made the most of it, and no instruments could be found so convenient for their purpose as spies and informers, by whose means the dread of violence and treason was kept alive, and the attention both of parliament and the public was effectually diverted from those questions of public economy and retrenchment which had been so peculiarly harassing to the government. Ministers having profited by the labours of these men, it was natural enough that they should wish to screen them from inquiry. But what interest had the House in screening them? And why should the House object to inquiry, when so many powerful considerations urge us to go into it? We might dispute in this House (said the hon. member) day after day about particular facts stated in petitions, as well as upon the characters of the petitioners, without coming any nearer to a just conclusion. The noble lord may take one view of a case, I may take another, and a still different view may be taken by a third person. But how are we to discover whose view is right, and whose wrong, without an exact and rigid inquiry? If the noble lord says the petitioners are either rogues who are not to be believed, or dupes whom these rogues have deluded, have we not just as much reason before the facts are investigated, to retort the same charge on their accusers? Let the House consider for a moment the relation in which the accused and the accusers stand towards each other. The former say, " We entreat the House to go into an inquiry, and we undertake to prove our own innocence, and the guilt of those who have accused us, after vainly attempting to betray us into their mischievous projects." The ministers reply, " We will not permit you who are accused to defend yourselves: we will not suffer you to say a word against your accusers, or to prove that the character which they have given of you belongs to themselves." The hon. member asked, whether the House was prepared to sanction such a proceeding as this? Were they ready, in compliment to his majesty's ministers, to express their disbelief of maxims founded on universal experience, and to say that the unanimous feelings and sentiments of mankind were mere prejudice and delusion? Would they declare by their votes that it was conscious guilt that demanded inquiry, and conscious innocence which shrank from it?—Mr. Phillips expressed his hope that the House would not incur the disgrace of acting so as to make itself liable to such an imputation. He trusted that they would satisfy both themselves and the public, by entering into a full, a rigid, and an impartial inquiry, on a subject which had occasioned great anxiety and agitation, and upon which it was quite evident that no just conclusion could be formed, without such an inquiry as it was the object of his motion to recommend. The hon. member concluded by moving, " That this House, taking into consideration the Report of the Committee of Secrecy presented on the 20th of June last; together with the Report of the Committee of Secrecy of the Lords, communicated to this House on the 23d of June last, so far as the same refer to instances in which the language and conduct of persons, said to be employed for the purpose of detecting, may have had the effect of encouraging criminal designs; and taking also into consideration the allegations contained in certain petitions, with respect to practices of so alarming a tendency, is of opinion that it is the duty of this House fully to investigate the nature and extent of the same."

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* For Copies of these Petitions, see pp. 217, 399, 458, 589, and 674.

Mr. *F. Robinson* said, that since he had the honour of a seat in this House, he did not recollect any instance of a more extraordinary proceeding than that of the hon. gentleman who had brought forward this motion. The House must recollect the parade with which the subject was first brought forward—the vast and paramount importance which was attached to it by the gentlemen on the opposite side of the House—the long and minute details into which the hon. gentleman himself had entered upon the subject—and yet, after all this, what had he now brought forward? The petition from Manchester, upon which the motion was mainly founded, was couched in vague, loose, and general terms. It affected indeed as important an air, as if it represented the sense of the whole population of Manchester and its neighbourhood, although in fact it was only signed by twenty-six persons. It stated that they had instituted a rigid inquiry into all the circumstances comprehended in the petition; and it did the House the favour to state that the result of this inquiry was, that no treasonable designs had been harboured, and no atrocity projected in Manchester, but by the hired spies and informers of government. Such was the general statement of the petitioners. But they did not deign to state the form or mode of their inquiry, nor the grounds on which they came to this conclusion, nor the species of evidence which they were prepared to bring forward, if the inquiry for which they wished was granted. The hon. gentleman himself was well aware of these deficiencies; and therefore he opened the case of the petitioners, with an elaborate comment upon the petition, and a minute detail of facts, which he promised to substantiate, and which he gave notice he intended to call upon the House to give him an opportunity of proving. But when he found that he could not follow up his statements by proof, he saw that he must change his ground. And then it was that the hon. gentleman, with a grave face, came down to the House to alter the nature of his notice; for the purpose, as he stated, of making it more precise; but, in point of fact, completely to abandon the ground which he had taken. And why? Was it not because he now knew that the stories of the petitioners could not be supported; that the ground which he had taken could not be maintained? Only let the House recollect the elaborate speech of the hon. gentleman when he presented the petition, and his long story about a man of the name of Dewhurst, who had been carried to general Byng in that officer's gig; and about another man of the name of Lomax, who he said was a hired spy. What had the hon. gentleman now to say to these stories? So far as general Byng was concerned, he had now told the truth; all the rest was a fabrication. The whole of that story was false. Nay more—no man of the name of Dewhurst was known to general Byng, or to government; as to Lomax the hon. gentleman knew from general Byng that that man was no spy; or if the hon. gentleman did not know it before, he knew it now [Hear, hear! from the Opposition]. Whatever schemes Lomax was concerned in—whatever atrocities he contemplated—he did all as a conspirator and not a spy. It was true that on the 17th of March this man wrote a letter to lord Sidmouth, offering to communicate information. This letter was not answered. On the 28th of March, Lomax was arrested with several others, and after being examined was released; and there ended the whole communication between Lomax and the magistrates, or the government. Therefore he affirmed that all that was done by Lomax was done by him as a conspirator, and not as a spy—a spy he never was. He thought that after what he had stated, unless they could disprove it, the case of gentlemen opposite would fail. They might bring forward a great deal to contradict it, because contradiction was very easy when proof was impossible. But he was confident it was impossible to overturn what he had stated. He was convinced they could not disprove what he had said of the two cases which were the main support of the petition, and therefore the whole fabric would fall to the ground, with the rigid investigation the petitioners professed to have made. It was impossible that the House could attach any importance to such a document so supported. But there was something important proved by the statements that had been given. It had been declared that none of the schemes mentioned had been proposed to the people but by hired spies and informers. That was an admission that propositions had been made. And besides, they had the speech of Lomax before he had written the letter to lord Sidmouth, and they had also the speeches made by various persons in Manchester. It was said, indeed, that Lomax was viewed with scorn and horror; but when he was so viewed, it was very singular that they should not denounce him. The very circumstance of his non-denunciation was an irreconcilable contradiction to the hon. gentleman. The man, however, was dead; he could not answer; he could not be forthcoming; but unless they could prove something worse than they had done, it was needless that he should be alive; dead or alive, his statement was not to be disproved.—Then there was a petitioner of the name of Bamford, who said he had been arrested on the information of Lomax. This could not be true; as that person was taken up on the 29th of March. The warrant must have been signed some time before, and Lomax was not arrested till the 27th. There were, besides this Manchester petition, the petition of Mitchell, and the petition of Scholes. Mitchell gave a sort of meagre account of his communication with Oliver, and endeavoured to impress, though he did not distinctly assert, that all he had done was at the instigation of Oliver; but he quite sunk what he did in Yorkshire, in conjunction with Oliver; but this omission of Scholes, another petitioner supplied; for he stated Oliver had been introduced to him by Mitchell, and that Mitchell and Oliver appointed meetings at his house. Now, either Scholes' petition was false, or Mitchell had culpably concealed the truth, to make a false impression, he cared not which, so no credit was due to their assertions. They had already heard of Francis Ward, the religious and pious man; there was another person who had presented a petition couched in the same style, and apparently written by the same hand, named Haynes. He knew not what information might have been derived from him, but he had been guilty of perjury. He had been witness at the trial of two persons, Towle and Slater, for shooting at a man in a frame-breaking transaction. Slater was acquitted on an *alibi*, as Haynes and some others swore, that he was at the time seventeen miles from the place where the crime was committed. Additional information was obtained, and Slater was again indicted for the minor crime of frame-breaking, at the same time and place, at the following sessions, and he pleaded guilty, thus proving the perjury of Haynes and the others. This was an additional proof of the nature of the character of the petitioners. Thus, as the allegations of the petitions were many of them totally false—as the stories respecting Dewhurst and Lomax were false—as the allegations of Bamford could not be true—as Scholes and Mitchell's petitions could not be both true, or could not contain both the whole truth—he hoped the House would reject the motion. On this evidence only was it founded [Hear! from the Opposition]. The petitions must make the ground-work of the motion. He allowed that the motion referred to the reports of the committees, but it added, "looking also to the allegations of certain petitions." He should not trespass longer on the time of the House. He believed in his honour and conscience that the petitions were false, and he begged the House, on behalf of a calumniated government, of a calumniated magistracy, and in the sacred names of truth and justice, to reject the motion.

The Hon. *F. Douglas* said, that all the right hon. gentleman had proved amounted to these two facts—that no person of the name of Dewhurst was in sir J. Byng's gig, and that Lomax was dead. He had told them too, that contradiction was not proof. Yet his speech was a tissue of unproved contradictions, which he had begged the House to receive instead of the proof which it was the object of the motion to elicit. It was to be remarked too, on the right hon. gentleman's own statement, that Lomax had written to lord Sidmouth offering to give information —that he had afterwards been apprehended, and almost immediately released. It was unfortunate that the hon. mover had not made a long speech on the Manchester petition, as the right hon. gentleman's speech seemed entirely prepared to refer to it. But the petition had very properly been made by the hon. mover accessary to his proofs;—he rested on the general knowledge of the country—on the general avowal of the ministers themselves through their committees. But how did the right hon. gentleman answer the allegations of the other petitions? By saying that one Haynes was a perjured man. But who was Haynes? His petition had not that day been read. He said nothing of Oliver, nor had any information that he knew of been derived from him. The right hon. gentleman wondered why the present motion had been made. Did he not remember that on the motion of the member for Lincoln (Mr. Fazakerley), half the speech, and more than half the argument of the speech of a right hon. gentleman (Mr. Canning) turned on the incompetency of the secret committee to carry on the investigation which was demanded? Did they not remember that the hon. member for Bramber (Mr. Wilberforce) had pledged himself to agree to an investigation, if it was to be conducted by a committee differently chosen? The present motion was brought forward to give him an opportunity to support inquiry [a laugh]. It was framed almost on the suggestion of the gentlemen opposite; and for the plain and manly object, that this question, important in every moral and political view, should be brought to a satisfactory issue. It was now the last day previously to the introduction of a bill of indemnity. In a few days they would have debarred themselves from all inquiry. Should they not, then, be convinced of the merit of the government before they granted them an indemnity for their violations of the law? He did not wish to take narrow or uncandid views, nor should the House shift from its own shoulders the heavy responsibility which, in his opinion, weighed on them, for acceding to ministers the suspension of the Habeas Corpus act. He did not think that there was a solitary instance of having, under such a measure, violated the law; but when he had said thus much, he thought he had granted a reasonable measure of indulgence. Such a measure of confidence as an indemnity act should proceed on two grounds:—that in the present state of the country, the disclosure of the evidence they had received was impracticable; and that the ministers had in general discreetly and conscientiously administered the law. Before the House granted the greatest indulgence which could be granted, it was their duty to inquire into these questions—both of them of the most paramount importance. It was admitted by ministers, that spies had been employed. It could not be denied by them, that the employment of spies might produce mischievous effects; the committee had said they had reason to believe it might have produced those effects;—twenty six persons from Manchester asserted, that it had produced mischief, and they and many others pledged themselves to produce proof, and prayed the House to receive them. There were in the House gentlemen who could adduce proofs on this subject; who could prove the effect of the appearance of spies in the West Riding of Yorkshire—the dismay of the magistracy, the encouragement of the disaffected, and the combination which was thus created much superior to that which the efforts of orators could bring about. There was that paragraph, too, extorted by the force of truth from a reluctant committee, proceeding on garbled and prepared evidence. What, then, was to be reasonably expected from a fair committee, having no private interests to consult, receiving the evidence which might be offered on both sides, and having no limit to its investigation? There was that miserable collection of newspaper paragraphs, which a committee had chosen to dignify by the name of a report. In that production two facts were stated. The insurrection in Derbyshire, which was then represented in its proper light, as not important in itself, but merely as connected with disturbances in other parts. The importance, therefore, of the Derbyshire disturbance rested on the disturbance in other parts. And what was the other place referred to?—The south-western corner of Yorkshire, which was the peculiar field of the employment of spies. It had been stated to the House by the most unexceptionable authority, that the appearance of the London delegate was there a cause of joy; that assemblies were held to meet the London delegate; and with the knowledge of this, and the allegations of the petitioners, would they not at least inquire before they granted an indemnity?—It would perhaps be said, that the evil was admitted, but that the amount of evil was the question. This was the very subject for inquiry. It had been said, that the spies had not given evidence which was not corroborated by others. It was not contended that they alone had given evidence. They had created the facts of which evidence was given by others. The justification of the ministers was rested on several grounds. The spies had transgressed their orders. Why, then, had they not been brought to punishment? That honour and fidelity was not to be found in such men was well known; but if so, those were responsible for their conduct who continued to employ them. It was said, that the critical situation of the country required the intervention of such agents. He hoped the House would bear this in mind, that the constitution could not be suspended, that tyranny could not be introduced for a moment into England, without bringing as its natural train, public and private vice.—The hon. member then distinguished between the characters of spies by profession, and hired informers, and contended, that no necessity could justify the employment of agents of the first atrocious description. The mischief of their employment by a government that rested on moral opinion, outweighed any advantage that could be derived from them. When the right hon. gentleman spoke of the moral character of the petitioners, and concluded that their associates were equally vicious, what would those think, who saw the secretary of state in constant communication and close union with persons, who, by the nature of their profession, were devoid of honesty or honour; when they saw him bound to such persons by mutual good offices, prostituting his moral and religious character, to an association with persons who were guilty of the flagitious baseness at which professed villains revolted—treachery towards friends and associates? What an effect must such an example have on those individuals in the lowest ranks of life, who were exposed to constant temptation, and hardened and deadened by their professions? What effect must it have upon the morals of the people when they observed government having recourse to such agents,—when they saw a noble lord at the head of the home department, of most moral, decorous, and humane character, engaging in a reciprocity of benefits with such infamous characters, and called upon to defend them,—when they saw their names associated with such a man as sir John Byng, whom he was proud to call his friend, who possessed every thing that was amiable as a citizen, and chivalrous or honourable as a soldier? If those who were amiable and high in every respect, who must be supposed alive to all the delicacies of honour, were seen to come in contact with such vile wretches, what effect would it have on those in minor departments; on police officers for example? Would they not naturally conclude that they also had a right to employ their Olivers to assist in the execution of their duties? They were told that a system of prevention was adopted, and was most proper on the occasion. But the only prevention he knew was, that the guilty were prevented from receiving that punishment which their conduct called for, while the innocent only were the sufferers. How could it be said that a system of prevention had been adopted by ministers towards the country, when it was known that persons had been fitted out at the home office, and sent into the disturbed districts, who fomented and fanned into a flame those disturbances which would not have otherwise extended to any such length?—He wished to observe before he sat down, that he did not impute to ministers such a gross deviation from their duty as that of having hired spies and informers for the purpose of creating those disturbances, but he blamed them for having acted incautiously and imprudently in selecting the persons to procure information who proved that they were unworthy of even that mean office. He blamed ministers for having by their carelessness thrown firebrands into the heap of combustible matter which, according to their own statements, was known to exist in the country. He blamed them for unnecessarily exciting alarm in the public mind, for having exaggerated those disturbances which they knew to have arisen at first from no other than political causes, for having on other occasions been the cause of sending forth to the world a number of old and forgotten publications, the tendency of which they themselves allowed to be dangerous to public morals, and which would otherwise have remained in merited obscurity.—He blamed ministers for having given to the public partial and garbled statements of the state of the country—of having produced or kept back proof as it made against or for their particular views,—of having published one letter while another was kept behind—In a word, he blamed them for acting unfairly to the country in refusing that inquiry into the complaints of aggrieved persons, which if true required some investigation, and if false would fully exculpate ministers in the minds of the public. On these grounds it was that he advocated the motion then before the House, and on these grounds he would certainly vote in favour of it.

Mr. *Blackburne* said, he was desirous of making a few observations on the petition from Manchester, which had been so much spoken of by the hon. gentlemen on the other side of the House. He could inform them that the 26 names which were said to be signed to the petition were not the names of most respectable people, as had been stated. On the contrary it was known, that the petitioners were some of the lower classes of society, and consisted for the most part of persons who were instrumental to the calling the meetings which took place at the period mentioned in Manchester. He wished also to inform the House that a resolution had been signed by 285 respectable persons at Manchester, stating that they were indebted to the constables and other persons employed at the time of those meetings and disturbances before mentioned, for the safety and protection they enjoyed on that occasion. He had received a letter a few days back, signed by three magistrates of Manchester or its neighbourhood, which he would wish the House to hear read, as it would show in what light the petition presented by the hon. mover on a former night was viewed in that place. Here the hon. member read the letter. It stated that the inhabitants of Manchester were much surprised to hear the several observations made by the hon. gentleman (Mr. Philips) on presenting the petition, complaining of spies and informers, and also at the statements made by him relative to what had taken place in Manchester at the time of the disturbances there. The letter went on to state, that the borough-reeves and constables were elected annually at courts-leet, and that there was no interference on the part of government in their election; that it was the business of those officers to convene a public meeting, when properly called upon by the inhabitants to do so. That they had been called upon a short time previous to the disturbances at Manchester to convene a public meeting, but that the demand was made by so few a number of persons, and those too of the lowest classes, that they declined to do so. That a similar demand was made by the same persons shortly after, which was also refused for the same reason. That on a representation of the distresses which existed in Manchester at that period among the lower classes, a liberal subscription was entered into for their relief; but notwithstanding this, the parties who had at first required that a meeting of the inhabitants should be convened, did, without the consent of the proper officers, convene those meetings which took place, and which were said to be for the purpose of considering the means of relieving the public distresses, but were in reality found to be for quite a different object. That the business at Manchester had been represented, in a speech said to have been made in that House by an hon. member (Mr. Philips) in a light quite different from what occurred; and that that speech had been printed and circulated at Manchester at such a price as to insure it an extended circulation. The letter concluded by stating, that the petition relative to the spies and informers, was not sent by the consent of the inhabitants of Manchester, and that their feelings were decidedly against it. That the people of Manchester disapproved of the meetings, which gave rise to the disturbances in that place, and had never sanctioned them. That Ogden and some of the other suspected persons, were among those who applied for the calling the meeting, and who subsequently convened the meetings which gave rise to those disturbances which interrupted the peace of that place. The hon. member said, that it was necessary the House should be made acquainted with the circumstances which he had just read to them, as the letter showed the weight which should be attached to the petition from Manchester, which complained of the conduct of spies and informers.

Mr. *W. Courtenay* said, he was for some time at a loss to discover what the nature of the hon. gentleman's motion was; but he at length found that it was intended to catch and entrap the hon. member for Bramber, so as to oblige him to give the measure his support. Upon what grounds was the House called upon to enter into a discussion of the present measure? They were called upon to censure the means used for the public safety at a time when the country had just escaped from the greatest dangers, and when the alarm, which so justly existed in the public mind was subsided from a knowledge that the danger was now over. They were told that the petitions laid on the table from time to time this session, contained such a list of grievances (all of which were stated to be true) as merited the strictest investigation. But now when it was found that the allegations contained in those petitions could not be supported, it was said, that the general feeling of the country required, that some inquiry should be made. The hon. supporters of the motion were obliged to shift their ground, as they found each successive point untenable. With respect to the general feeling of the country, as it was only a matter of opinion what that feeling was, nothing but opinion could be advanced in opposition to such an observation. He thought that the general feeling of the country was decidedly against the statements contained in the petitions, on which the motion then before the House was grounded, and he would instance the letter just read by his hon. friend in support of that opinion. If the hon. member who made the motion, and the other hon. members who supported him, were so much mistaken in what had taken place at Manchester, was it too much to suppose that they might be equally mistaken with respect to the other parts of the country? It had been said, that the system of prevention had not been acted upon by his majesty's ministers. Then, the question resolved itself into this, whether ministers had properly used the power vested in them by parliament, and whether they had taken the necessary steps to prevent rather than punish disturbances in the country. On this subject the House had a right to inquire, and his majesty's ministers were ready to give every information. But, he would ask, was it treating them fairly, first to pay a high compliment to the noble lord at the head of the home department, and in the same breath to say that spies had been fitted out in London to be sent into the country for the purpose of finding out and fomenting the disturbances in the country. He would ask the House whether any such thing had been proved?—[Hear! from the Opposition side.] He was happy to observe the gentlemen take notice of what he said, as he supposed some hon. member from that side would prove to the House that such was the fact. With respect to a person who had been much spoken of, he could inform the House that Oliver had not been expressly sent to the country to discover the nature of those conspiracies. Oliver had, without the knowledge of government, discovered the plots and treasons which were carrying on in the country, and had given information thereof to government. He was then desired to continue his observations on the conduct of those disaffected persons [cheers from the Opposition].—He thought that though the hon. gentlemen cheered him, they would find it difficult to disprove what he had said, and what he was able to prove [Hear!]. At the trials which took place in the country and in London, relative to those disturbances, was it proved that Oliver had been instrumental to the meetings or conspiracies which were proved to have taken place? It was impossible that such a circumstance should escape the counsel for the prisoners on those occasions, if it could be made to appear. If Oliver had been instrumental to the meetings before the 10th of June, or had held out hopes, or in any way instigated the persons whose acts had made them liable to the laws, would it not have been proved on the trials at Derby, when the prisoners' counsel had an opportunity of cross-examining the witnesses? An able and most respectable barrister (Mr. Denman) did, on the trials at Derby, ask one witness, whether Oliver was in any manner connected with the conspirators? and on that occasion he received such an answer as prevented his repeating the question, and a question of the kind was not again put during those trials. He was aware that it was more congenial to the law and constitution of the country to promote than to prevent inquiry. But it was necessary a strong case should be made out of the necessity of such inquiry, before the House could agree to the measure. What were the grounds adduced for the motion, which would, if carried, he supposed, be followed up by the appointment of a committee of inquiry? It was said that a petition, signed by 26 inhabitants of Manchester, was a good reason for supporting the resolution; but he supposed, after the proofs which were brought forward to the contrary, the hon. members opposite would perceive the necessity of bringing some better argument in support of the measure before the House could agree to it. It was unusual for the House to accede to such a motion, unless proper grounds were shown for it. The only reasons he had heard were, that spies and informers were said to have stepped beyond the line marked out for them. Was it doing justice to ministers, by whose exertions the safety of the country had been preserved, to tell them an inquiry should be instituted into the conduct of every person they found it necessary to employ in the execution of the arduous task they were called upon to perform, when it was already said, that no person had been arrested but upon information upon oath, unless where that information was corroborated by unquestionable evidence. Another reason assigned for the motion was, that the vote to which the House came last year, on the suspension of the Habeas Corpus act, was uncalled for, and that the reports of the committees which had been then appointed, had been proved to be totally false. He could not accede to such assertions. He had voted for the Suspension, and he had done so from a conviction that the safety of the country rendered such a measure necessary. He had also carefully read the Reports, and knew that they represented nothing which had not turned out to be the fact—namely, that there was in the country a strong spirit of disaffection to the government, and that nothing short of the suspension of the constitution was intended. He thought it was false reasoning to say, that because the vigilance of ministers had prevented an alarming explosion from taking place, therefore there was no need of their being vested with the powers entrusted to them. It therefore appeared to him, from every view of the subject, that the motion was altogether unnecessary.

Lord *Lascelles*, on comparing the speech of the honourable mover, when he presented the Manchester petition, with that which he had made this night, could not help thinking that he had abandoned the whole of his case, and must feel that he was not likely to be strongly supported. The noble lord bore testimony to the conduct of general Byng, who was eminently entitled to the thanks, not only of those who regarded the preservation of peace in the districts in which he commanded, but of those deluded persons also whom he prevented from doing farther mischief. This testimony he felt it his duty to offer, from a knowledge of the proceedings, and from a conviction of the rectitude of the respectable officer alluded to; upon whom, however, he could not suppose that the hon. mover deliberately meant to cast any reflexion, as he hoped would appear from that hon. member's explanation. With regard to spies and informers, he could say that he had no predilection whatever for the character or employment of such persons. Such persons, he had no hesitation in saying, ought not to be employed by any government, with a view to inflame a mass of combustible matter, as some gentlemen on the other side had expressed it; but at the same time he must say, that it was the duty of government to make use of the information of Oliver, or any other person, for the purpose of preventing the explosion of such matter. As to Oliver, he firmly believed that a great deal of what had been said respecting his conduct, was mere clamour. He could never, indeed, concur in the opinion, that ministers had employed this person for the purpose of excitement. On the contrary, he would deny that such was ever the intention of government. The hon. mover had stated, that according to the general opinion of the country, ministers had abused the powers with which they were invested under the suspension of the Habeas Corpus act; but from what quarter had the hon. member collected the information upon which he grounded this statement? For himself he could say, that he had not heard of such an opinion, unless from the allegations of some of the petitioners to that House, who were themselves implicated in the transactions which gave rise to the proposition for suspending the Habeas Corpus act. He therefore felt it his duty to oppose the motion.

Mr. *Philips* said, he had not uttered one disrespectful word of sir John Byng. He had only mentioned that Dewhurst had been seen with him in his carriage. This was told to him by an hon. friend near him, who had his information from a person whom they both knew to be a very bad character. He had never said that all that had happened was the work of spies and informers.

Lord *Milton*, while he felt every respect, esteem, and affection for general Byng, considered all that the hon. gentleman and his noble colleague had said of him to be quite beside the question. As to what the learned gentleman had said of Oliver's not being called as a witness at the Derby trials, it had been repeatedly and unanswerably replied, that if Oliver had done all the mischief imputed to him, his evidence could have been of no service to the prisoners, but, on the contrary, it would at once have established their guilt. How could any inference be drawn from the perfect ignorance of him manifested by witnesses who had only seen the insurrection, but who had known nothing of its origin? But all this did not signify a straw in the present question. The question really was, whether the extraordinary circumstance of spies having excited disturbances, as stated in their own report, and complained of in the petitions, should be allowed to pass without any inquiry. He thought that inquiry was loudly called for, and his noble colleague ought to have thought so: but he was in a dilemma between his abhorrence of spies, and the necessity of detecting conspiracy. The means of obtaining detection was the ground of difference. He sincerely acquitted ministers of the intention to excite disturbances through the medium of spies: but they were not therefore acquitted of the consequence of having employed them. They had heard statements of Oliver having been in different parts of the country, entrapping the unwary, holding meetings, using violent and inflammatory language, and inciting to the wildest acts of rebellion. Not one word of this had yet been denied. He hoped some denial was to be given before the present motion should be negatived. The conduct of government was rather singular. They felt an abhorrence of the conduct of spies, but no inquiry must be instituted into this abhorred conduct. All other subjects were investigated in that House; the civil list was overhauled; the army estimates were examined; but espionage was not for the profane eyes of the House of Commons! He believed all who were employed as spies were, like Castles, infamous characters. In the outset ministers ought to have regarded them as suspicious. They were therefore chargeable with having improvidently sent such persons into the country, although, as he conscientiously believed, they had not contemplated the consequences. It had been triumphantly retorted, that the country was admitted to have been in a combustible state. Undoubtedly, great distress had existed, and consequently great discontent prevailed in the country. These were the combustible materials, and to this admission the other side was undoubtedly entitled. To these materials they had applied a firebrand when they sent Oliver into the country. Did he not every where appear as the London delegate? Was not that fact well known to the government; and was not that enough to open their eyes as to the transactions with which he was connected? In law, he believed, it was no palliation, that rioters or rebels were told of disturbances in other parts; but in point of moral turpitude, it made a very wide difference. It was a trite but a true remark, that success or failure constituted the difference between a traitor and a hero. If, then, an ignorant person was insidiously persuaded that the co-operation of multitudes would infallibly make him a hero instead of being a traitor, was not his case different from common treason? He was not justifying the conduct of the deluded. Even the circumstances of their delusion did not justify them; but surely they formed a strong palliation of their crimes. He believed that ministers opposed the inquiry, because they were afraid to have the subject inquired into: and because they felt that, if probed to the bottom, the result would be to discover the facility and improvidence with which they had listened to every tale-bearer who was seeking to curry favour. The great danger of such a policy was, that it went to establish a system of espionage, which must finally produce universal suspicion and jealousy, and wholly alienate the affections of the people from the government.

Lord *Stanley* said, he should support the motion, but not on the ground that ministers were guilty of employing spies for the purpose of fomenting disturbances in the country. His belief was, that Oliver and others had been solely employed to discover what was doing in the disturbed districts. Where blame was fairly to be cast on ministers, was, he thought, in the manner in which those spies were chosen. Though ministers did not warrant the fomenting of disturbances, yet they left it in the power of those acting under them to do so. He did not accuse the ministers of having wilfully exaggerated the distressed state of the country, but he thought they had not taken sufficient pains to ascertain what was the nature or the extent of the disturbances. They did not inquire so fully as they might have done into the purity of the sources from whence they derived their information on the state of the country. He thought ministers had been much calumniated; but they would be most so by themselves, if they refused to inquire into those acts, when inquiry, according to their own statement, would fully acquit them of the charges laid against them. On these grounds, he should certainly vote for the motion.

Mr. *Bennet* observed, that ministers seemed disposed to content themselves with denying all the complaints and allegations which were adduced against their conduct, without bringing forward any thing like evidence to support that denial, or acceding to any inquiry that might afford an opportunity of ascertaining the real merits of the case. The question before the House was simply this, whether the reports of this and the other House of parliament were of such a nature, contrasted with the petitions upon the table, as to furnish a *primâ facie* ground for inquiry? In opposition to the assertion of an hon. gentleman on the other side, he would maintain, that his hon. friend, who brought forward the motion, had not abandoned one iota of his case, or receded in any degree from the ground which he had originally taken. He himself was the member who informed his hon. friend that

Dewhurst, the spy, was seen in the same carriage with general Byng; and such was the information which he had received, not, however, from a quarter, as his hon. friend had stated, upon which he could implicitly rely. But, perhaps, the House was not aware of the sort of person whom this Dewhurst was. He who led the people with whom he communicated into a toil—he who had them caught in a net from which he escaped himself, was no other than Michael Hall, a returned transport, who was, no doubt, a fit ally and instrument for Messrs. Nadin and Co. of Manchester. Such was the spy who was arrested on one day, and discharged the next by the magistrates of Manchester. According to one of the reports from the Secret Committee of the House of Lords, some persons employed by ministers to prevent disturbances, had themselves been guilty of exciting that disturbance. But what, he would ask, had ministers done in consequence of this detection? Had any of those inflammatory agents been taken into custody, or had any proceedings whatever been taken against them? Was not this, he would ask, a fair subject for inquiry? [Hear, hear!] He did not mean to say that ministers themselves had excited to insurrection, or promoted the fabrication of plots; but there was notoriously a large forge for this purpose at Bolton, under the auspices of Mr. Fletcher, the magistrate, who, after such facts as had appeared against him, ought not to be allowed for one moment to remain in the commission [Hear, hear!]. As to the observation, that the information upon which his hon. friend had spoken, proceeded from polluted sources, he must say that such an observation came with a very ill grace from those who after suspending the liberties of their countrymen, abusing the power with which they were invested, and packing a committee to cover them from blame, had notoriously derived their information from the basest persons to be found in any state of society. Yet upon such information they had thought proper to confound rebellious riots with the commission of high treason. He however knew this information to be false; and the intelligence upon which his knowledge rested, with respect to Oliver especially, came from persons who were by no means implicated in any conspiracy; this he pledged himself to show, if the House would go into the proposed inquiry. He would repeat, that he was prepared to support all the statements he had formerly made respecting the conduct of Oliver, not by suspicious or polluted evidence, but on the testimony of men in no way connected with the acts of the conspirators. It was not his intention to come down to the House, like the noble lord (Castlereagh), and with a collection of dead men's tales to take away the character of the living. He dared his majesty's ministers to the inquiry, and if they did not face it, there would be but one verdict in the country—that their guilt alone prevented them. Why should ministers resist inquiry if they could justify their conduct? Did not such resistance betray their conviction that their conduct had been such as they would be ashamed or afraid to exhibit in the face of day? The noble lord had indeed throughout the debates upon this transaction professed a desire to do one thing, while he took especial care to do another. He professed a wish, and proposed a motion, for inquiry, while he contrived to guard against any inquiry whatever. It was known that in one of the committees appointed upon the motion of the noble lord, a proposition to have Oliver examined as to his conduct, while acting under the auspices of lord Sidmouth, was negatived through the influence of ministers. Again what had become of the second letter of earl Fitzwilliam, which was studiously kept back, while a former letter from that nobleman was adduced in that House, to answer a purpose in debate by the right hon. gentleman at the head of the board of control? The second letter of earl Fitzwilliam, which was dated on the 17th of June, must have reached London on the 19th. This letter could of course have been communicated to the Lords committee, which had not then made its report. There was indeed, plenty of time for that communication, but this would not have suited the views of ministers, because this second letter from earl Fitzwilliam was, in fact a recantation of the opinion expressed in a former letter, which opinion that nobleman had found to be erroneous upon farther inquiry. From the suppression, then, of this letter, as well as from other facts, it was evident that ministers wished to prevent parliament and the public from having a clear view of their proceedings, by affording only such information as suited their purpose. While they sought to keep aloof all testimony that might expose the character of the evidence with which they communicated, and upon which they acted, they even now denied inquiry with regard to the injury of those who had most severely suffered through that evidence. The character of Oliver was become quite notorious. But the noble lord (Castlereagh) had said, that no one was imprisoned upon the oath of that person. He would, however, desire to know, upon what other evidence were the persons arrested in consequence of the meeting at Thornhill Lees? For that meeting was actually collected through the contrivance of Oliver himself. For it was Oliver who sent Crabtree to Birmingham to invite persons to that meeting—while he himself had called upon a person at Dewsbury to attend it. Nay, Oliver wrote a note, requesting an interview, to a person who was quite as respectable as any member of that House, from which he (Mr. Bennet) had the information. The interview took place, and he was assured, that the whole of the language of Oliver to this person, whom he earnestly exhorted to attend the meeting at Thornhill Lees, was derogatory to the character of that House, in which he said, that no reliance whatever could be placed; that physical force must be employed; and that a great crash would speedily take place. The person to whom this language was addressed refused to attend the meeting at Thornhill Lees. Had he been examined before the committee? No. The course pursued by his majesty's ministers was, first to pack a committee, then to garble, and finally to suppress evidence. He knew that Mr. Parker, a magistrate at Sheffield, had written to lord Sidmouth, acquainting him, that the greatest danger he apprehended was the arrival of the deputies from London: that the men in his district had arms to work without being able to find any, and that in a such situation, like drowning men, they would catch at straws. At this period it was that Oliver was sent down among them with his story of 70,000 men being ready to rise in London, and to act in conjunction with them. This was the manner in which the distemper was treated; a blister was applied to the sore place, and the effects that followed might have been easily foreseen. Instead of being surprised that a hundred men rose at Nottingham, or fifty in another place, or that the mayor and a few old women at Leeds were thrown into a state of alarm, it was rather a matter of astonishment that more serious mischief, and a much more formidable explosion, had not been created by the artifices with which discontent was thus inflamed and fomented. He implored the House to recollect, that as soon as Oliver was withdrawn, tranquillity was restored as by a charm, and all was peace. Would the House, then, consult the principles of justice, the opinion of the country, or the maintenance of its own character, if it refused to inquire into the conduct of such ministers and such agents?

Mr. *Bathurst* contended, that the hon. mover had entirely abandoned the Manchester case, and instead of confining himself to the matter of the petition, had indulged in general charges against his majesty's ministers. He gave credit to the hon. gentleman who spoke last, for much laudable zeal, although it frequently outran his discretion; and he thought him bound, after the strong assertions he had made, to mention the names of those on whose information he placed such implicit reliance. The hon. gentleman had stated, that they were not parties implicated with the conspirators. How then did they obtain their knowledge? They must have been present at their meetings, without communicating the information to the magistracy. They were, therefore, not the spies and informers of government, but the spies and informers of the hon. gentleman, they were, he presumed, an innocent part of the combustible matter of which the House had heard so much. An attempt had been made to draw a distinction between spies and informers [Hear, hear! from sir S. Romilly]. The hon. and learned gentleman appeared to support this distinction, and he was ready to admit his authority to be great; but he would oppose to it other great law authorities, those of lord chief justice Holt, and chief justice Eyre, who had held, that accomplices, whilst their credit was to be judged of by cirucmstances, were often the best witnesses, and ought to be encouraged by all governments, as otherwise the most heinous crimes would go unpunished. Suppose a man were to come to government, and confess that he had gone a certain way in the commission of treasonable acts, but that he repented of the proceeding, and was desirous of making atonement; would it be the duty of government to dismiss him immediately, instead of employing him as a means of detecting and defeating the schemes of the conspirators? In the very first place he was an informer, and the next step turned him into a spy. Those to whose care and vigilance the preservation of the public peace was intrusted, had an anxious and difficult duty to discharge. As to the dark surmises of the hon. gentleman, as far as respected the employment of Mr. Oliver, he was prepared to give them a full contradiction. Government knew nothing of his private character previous to his journey in company with Mitchell. He would have no objection to meet any specific motion with regard to the employment of Oliver; but he would now say, that government had no reason to believe that Oliver had, upon any occasion, forfeited the character of a respectable individual. That he had intercourse with the parties charged was admitted, but beyond that there was nothing against him. He had, accidentally, in the course of his private business, fallen into society where something dangerous to the state was going on. He found that those he was with had been instrumental in secreting a person for whom a public reward had been offered for his apprehension, on a charge of high treason. A warrant had been issued for the apprehension of Mitchell long before the 28th of April, which was the time Oliver went down into the country, where he was sent to learn the true state of the disturbed districts. In the letter of general Byng to the editor of The Morning Chronicle, he stated that the rejection of sir Francis Burdett's motion for parliamentary reform, was to be the signal for a general rising, and this was some time before Oliver left London. The Manchester magistrates did look with an eye of suspicion upon the information given them; but having received it, nothing was left for them to do but to find out the means of discovering the truth; they gave no instructions in the first place; they had no object in seeking for tumults, for they did not want to hear of tumults. "No news," said they, "is good news. Do not attempt to bring us dismal tidings: we only want to hear what is really going on." Mr. Fletcher, the magistrate whom the hon. gentleman had thought proper to stigmatize, and mix with spies and informers, had exerted himself most zealously and meritoriously in preserving the public peace, and protecting the property of his neighbours. Let the hon. gentleman attack government with as much vehemence as he pleased; but let him not act unjustly in assailing the character of a private individual. An attempt had been made to ridicule the expedition of the blanketeers; but what must have been the consequence of their continuing their route? Where were they to find sustenance by the way? How were they to have gone on without committing every sort of depredation? Parker had been confronted with Oliver, and the result was, that the language imputed to Oliver had been made use of by Mitchell. The assertions were not founded upon fact, that nothing did arise of consequence, and that when the government did leave off employing Oliver the mischief ended. The cessation of that employment did not prevent an explosion, for the disturbances did break out. The Thornhill Lees delegates met to decide whether the rising should be on the 9th or the 10th of June. These men were all taken up in the act of meeting, and near Huddersfield the rioters were described as being ranged in battle array. Could all this be thought a trifling matter. With respect to the letter of earl Fitzwilliam, it did not arrive till after the Lords' committee had broken up, nor till a day or two before the rising of their own committee, which had already decided upon the view which they should take of the evidence. The noble lord opposite (lord Milton) had, however, read a letter from earl Fitzwilliam to himself of the same import, and it amounted only to this—that the state of the country was more tranquil than he had expected to find it, and that if ministers would certify that London was equally so, there would be no necessity for the Suspension act. This opinion was at variance with that of all the magistracy in that part of the country, and it had not been thought necessary, therefore, to open again a question, upon which the deliberation of the committee had been already employed. Upon the whole, nothing could be more cautious, nor more conscientious, than the conduct of government, and their assistants in the magistracy throughout the country, and, therefore, he conceived there was no ground whatever for the motion of th hon. member.

Mr. *W. Smith* said, that he should not have risen but for the challenge thrown out on the other side respecting the private character of Oliver. Only the day before the report of the last Secret Committee was presented, evidence had been offered and produced to him, which charged that avowed agent of government with acts of great criminality. The testimony was as credible as that of any gentleman in parliament; and it convinced him that Oliver had been guilty of a series of frauds upon his employers for a great number of years. The witnesses who could prove this fact were ready to come forward, should an inquiry into the subject be instituted; and that their evidence might be taken, was one principal reason why he should vote for the appointment of a committee. It would distinctly establish, that Oliver was completely unworthy of the least credit, and, that he was a person well calculated for the purpose for which he had been employed, being possessed of talents and plausibility, but wholly destitute of truth and principle. With two of the witnesses to substantiate this position he had long been acquainted, one being a partner in an extensive commercial establishment, in which an hon. baronet, a member of the House, was also concerned, and the other an attorney of high respectability. A third witness was the employer of Oliver, whom he had defrauded, and who had actually preferred against him no less than four bills of indictment, which, however, were not tried, because the prosecutor yielding his public duty to his private interest, thought that by abandoning them, he had a better chance of recovering the money of which Oliver had criminally possessed himself. The name of this person was Restall, a carpenter of London; and the matter being referred to arbitration, it was found that during the space of ten years, Oliver had defrauded his master of a sum nearly amounting to 300*l.* In addition to this, Oliver had sold for his own advantage, a large quantity of old building materials which belonged to Restall, and of which he had never rendered any account. Completely to blacken his character, he had only to state, that during the arbitration, the daughter of Oliver was examined, and she afterwards confessed, that what she had sworn was untrue, and that she had been persuaded by her father to commit the crime of perjury.

Mr. *Bathurst* admitted, that the hon. member had communicated to him the nature of the charge he had to bring against Oliver. At the same time he (Mr. B.) had cautioned him not to give too easy credit to the *ex-parte* statement of a transaction of twenty years standing. On inquiry he had found, that it was true that Restall had preferred four bills of indictment against Oliver; but it was no less true that he had abandoned them, and that the matter being referred to a gentleman at the bar, it had been awarded that the prosecutor should pay all the costs incurred. It was also found on investigation, that the intelligent and upright gentleman who was the referree, did not attribute any degree of criminality to Oliver, considering the transaction as a mere matter of account disputed by both parties. No doubt, in the end Oliver was directed to pay a sum of money; but, having himself previously given security, it was deducted from the amount of a bond he held from Restall. Next, as to the atrocious charge of having induced his daughter to forswear herself, it was perfectly evident that the hon. member had been imposed upon; for the minutes of evidence before the arbitrator showed distinctly that Jane Oliver had spoken to nothing that affected the interests of her father. The amount of damages would not be increased or diminished by her evidence a single shilling. [The right hon. gentleman read the testimony of the girl, until he was stopped by the impatience of the House.] Oliver had threatened an action for a malicious prosecution, and, as Restall refused to obey the award the whole subject came before the court of King's-bench, and there a rule obtained by Restall was discharged with costs, on the undertaking of Oliver not to proceed for a malicious prosecution. It was quite evident, therefore, that there was no foundation for the assertion endeavoured to be cast upon an injured individual: the inquiry originated in a paragraph in a newspaper, and the result had been worthy of its origin. The right hon. gentleman concluded by recommending the hon. member to be more cautious for the future how he brought forward accusations of so serious a nature.

Mr. *W. Smith* still adhered to his belief of the story which had been related to him, and was anxious that the subject should be investigated before a committee. As to the testimony of Jane Oliver, it related to the obtaining of papers by Restall during the absence of Oliver, and formed one of the grounds of set-off before the arbitrator; so that in fact her evidence was extremely material.

Mr. *Tierney*, before he entered upon the question, desired that the motion should be read from the chair, that gentlemen might judge for themselves, whether it had or had not been fairly represented on the other side, when they hinted at a supposed conspiracy against the character of a private and "much injured individual," Mr. Oliver. [Here the Speaker read the question accordingly.] The House would perceive that the conspiracy, if it existed at all, was composed of two sets of persons—those who petitioned parliament for this inquiry, and the two secret committees that had been appointed. This circumstance had been entirely overlooked, and by no person more than by the noble lord who spoke from under the gallery, who forgot that he was himself one of the persons forming the body which had made assertions similar to those in the petition from Manchester, which led to the proposition now under discussion. The fate of the motion was of the utmost importance, not merely to "the much-injured individual," Mr. Oliver, and his coadjutors in fomenting treason, but to the whole country; for the question was, whether the House should give its sanction to a system which had no parallel in the history of this country? The question was not whether, under certain circumstances, spies and informers might sometimes be innocently employed, but whether the regular organization of them into an effective body—effective for the worst purposes—was to receive the verdict and warrant of that House? The answers yet attempted to the motion had completely failed. One hon. gentleman had affected to sneer at it; another had caught hold of an accidental expression, falling from one of its supporters; and a third had endeavoured to raise a clamour against all those who wished to inquire how far innocent persons had been charged with the foulest crimes. Surely the other side must have been hard pressed indeed for an argument, when they snatched so greedily at a casual and hasty phrase, that the motion was framed to catch the vote of the hon. member for Bramber. It should never be forgotten, too, that the ridicule of this expression came from those who had not scrupled to practise trick after trick to catch the vote of that hon. member—from those who had spared no expense to catch it; not, indeed, to the profit of the hon. member himself (that was out of the question), but to the great loss of the public, whose money had been spent, time after time, in inquiries intended to satisfy the scrupulousness of his conscience. He did not wish to speak disrespectfully of the hon. member for Bramber, and, certainly, there was no individual more capable of giving effective support to ministers and their measures, when he chose to turn out [cheers and laughter]. What his vote would be upon the present occasion it was not, perhaps, easy to prophecy. If he had given a distinct and unequivocal pledge upon any question, he would doubtless redeem it; but here it was impossible to speak from experience, the case was of such rare occurrence: generally, his phraseology was happily adapted to suit either party; and if now and then he lost the balance of his argument, and tended a little to one side he quickly recovered himself, and deviated as much in an opposite direction as would make a fair division of his speech on both sides of the question [continued cheers].—The speech of the hon. mover had been attacked because he had confined himself merely to Manchester; and a complaint had been made against another hon. gentleman that he had spoken only of Yorkshire; but not one of the adherents of ministers had ventured to touch the real merits of the motion, which did not rest upon argument merely, but upon the reports of committees, and upon the petition of twenty-six inhabitants of Manchester, of irreproachable character, against whom it had only been objected, that they were not the whole population of the place: the authority of the borough-reeve was not necessary to convince the House that twenty-six individuals were not the whole population of Manchester. Three spies were principally referred to. The first was named Lomax, and all the other side could state with regard to him, was, that he could not have been a spy, because he had been taken up with the rest. But what could they say to his singular discharge, while the rest continued in custody? Nothing; and the unavoidable inference was, that he was a spy, and that as a spy he received favour at the hands of government. The next was named Dewhurst, and of him the right hon. gentleman had stated that he was a nonentity—that no person of the name of Dewhurst was known. But what would he say if it were shown that this Dewhurst was in truth no other than Michael Hall, who had passed under an assumed name—had taken advantage of an alias to carry on his plot against the lives of innocent men? Yet such was the undoubted fact; and it was equally true that this Hall (another "much injured individual,") had qualified himself for his mission, by a sojourn on board one of his majesty's hulks. As to Waddington, the third spy, not a syllable had been urged by his friends: he was left to his fate, and on that account might well be styled "a much injured individual." Against all these, evidence was offered, and from the respectability of the individuals tendering it, it was fair to presume that the testimony was deserving of credit. But then it was said that two men of the names of Mitchell and Scholes had presented petitions: and that, as they were men of bad character, their evidence was incredible; those who used this argument seemed to forget that they had put forward Mr. Castles (not a gentleman of the most irreproachable reputation) as a witness, and had expected that upon his testimony five men should be deprived of life. Admitting, therefore, that Mitchell was a man of bad character, in favour of Scholes there was strong evidence, as a magistrate upon the spot, in a letter which he (Mr. T.) had seen, had spoken highly of the regularity and sobriety of his deportment. Lord Holt and chief justice Eyre had wisely observed, that there were some transactions which could not be proved by ordinary witnesses, and the House should recollect that the intrigues of these spies were in the dark; they wormed themselves in among men not always of the best reputation, even in the rank in which they moved; and it was impossible therefore that the evidence against them should be in all respects unexceptionable; the witnesses were, however, to speak to facts capable of confirmation; viz., of the employment of spies and informers, not to check crime, but to promote it—not to discover treason, but to foment it. If one thing more than another required the immediate investigation of parliament, it was the rapid increase of spies of all kinds in this country [Hear, hear!]. It was no answer to say, that lord Sidmouth was himself a man of good character; that the secretary for the home department could not in any way be attacked, when the proposal was, that an inquiry should be instituted into an odious system, which had grown from year to year, and was now arrived at a height disgraceful to the character and injurious to the constitution of the country. Assessed taxes were, perhaps, unavoidable in the present burthened condition of the empire, but the very collection of the revenue promoted the increase of spies and informers, who intruded themselves even into the private circles of domestic life: they insinuated themselves among the servants, creeping into the confidence of the groom and the footman, hanging about livery stables or mews, and sneaking into halls and kitchens. To put a case in illustration of the subject under debate, suppose one of these artful informers persuaded a gentleman who kept five horses, to return only four, and afterwards not only made the fact known to the commissioners, but participated in the reward; if the matter were brought before parliament, would not every gentleman start from his seat, and demand an instant and a strict inquiry? Yet where was the distinction, excepting that here the lives of poor men, and not the pockets of rich men were concerned? [Hear, hear!] It was the duty of the House to take some steps upon the subject; and if it were asked (as it had been), what steps were to be taken for the punishment of Oliver and his nefarious associates, the answer was short and plain—that the committee was merely to inquire into facts, and when the facts were ascertained, it would be early enough to arrange what criminal proceedings ought to be instituted. In Yorkshire, Oliver appeared to have played the principal part; and it was asserted on the other side, that government gave him instructions only to send them information. Yet, how did the case stand? It was notorious, that in the north great distress and disaffection prevailed, and that a rising was contemplated by a few of the more hasty, as soon as they were assured of the co-operation of the London delegates. Oliver knew that this was the match that would produce the explosion, and he immediately assumed the character of a London delegate. It was sincerely to be hoped, that neither lord Sidmouth nor the executive knew of this detestable expedient; that they were unacquainted with the base disguise of their spy—this informer—this Oliver, who had been so bespattered with praise (for it deserved no other term) by his employers. Had he represented himself merely as a delegate from the north, he would have been comparatively harmless and innocent: but he went down from London to assure the discontented that 70,000 men would rise at the waving of his hand, and thus the north and the south at once blazed with a co-operating flame. Was it possible to imagine a blacker villain than a man, who, with such a lie in his mouth, seduced the wavering and entrapped the unwary? [Loud cheers]. What was the answer given by ministers? The right hon. gentleman (Mr. Bathurst) had merely said, "We deny the truth of what you assert. You may have a thousand credible witnesses to prove it, but unless you give us their names, we will deny the truth of your assertion." Of course this was refused; for if any name were given, "rogue and rascal!" was the instant exclamation: "he has been at police offices a hundred times, and he is down in our books as the greatest scoundrel that ever the sun shone upon." Immediately the friends of ministers in the back rows throw up their hats, and "down with the rascal—down with the villain!" was the general whoop. What pretence had those to require names, who themselves had refused all information? If the other side would consent to give the names of their witnesses, the mover of this question would not object to communicate the names of his, but there must be some reciprocity. A doubt had been expressed as to the accuracy of the information of one hon. gentleman (Mr. Bennet), but his authority was the last that ought to be questioned, when it was recollected that all his statements respecting gaols and madhouses, though declared to be exaggerations or falsehoods, had turned out to be founded on authentic intelligence. Why, then, in this instance was he not to be allowed an opportunity of making good his case? The only true reason was to be found in the fear on the other side, lest they should be personally implicated, and that their political importance would be endangered. Whatever might be the vote of the House, in the country there had been, and would be, but one opinion. Considering the diffusion of education among the lower classes, and the consequent facility of acquiring some evil knowledge among much good: considering the severe distress which had prevailed through many parts of the country, and the liability to complain, which distress and starvation necessarily engendered; was it to be wondered at, that some were easily inflamed to dangerous designs and desperate acts? Was it not rather to be wondered at that so few had been infected? But if this was natural, what could be more diabolical than that the delusion so spread should have arisen from deluders employed by government? [Hear, hear!] It was fair to suppose, that all the spies employed were not the immediate agents of government; indeed, he believed that government were not aware of half their numbers. Perhaps, lord Sidmouth had only communicated with the notorious Oliver; and really this was quite enough for one secretary to have done. Yet the subordinate spies were innumerable, and though their information came refined through the strainers of constables and magistrates (for every magistrate, every constable, had his little corps of spies and informers), yet the system was all one; it was an open and avowed adoption of the odious method of espionage, and not a whit preferable to the French police. This country had hitherto been content to be without those advantages which were supposed to flow from the rigorous and vigilant exertions of the French police, because at the same time we enjoyed those free privileges and that general happy security which constituted the envied characteristics of our peculiar government. But this was now at an end; we had as many spies as France herself; we had ministers as minutely inquisitorial as their prefect of police, and all the boasted peculiarities of our constitution had been voted as useless for the preservation of the country. He was sure that no Englishman could view such a state of things with indifference: nay, he would give so much credit to every gentleman present, as to assert that he had no doubt they must all feel indignant that this country should be reduced to such a state of degradation as to sanction a regular system of espionage. He was sure that every gentleman would be anxious for an investigation into every allegation of the existence of such an evil, if he could be persuaded that no danger would accrue to the state or to the administration. Now what danger could accrue to the state? The question was too absurd to be asked. What danger could accrue to the administration? If government, as they asserted, had given merely a few simple directions to their agents, and instead of doing what would foment disaffection, had exerted themselves to check it as soon as possible, then surely government would gain by the inquiry; for they would thereby have the fullest opportunity of disavowing and disproving any connexion with those odious spies. Whence, then, was it that they refused to do themselves so much honour? Surely not from modesty. No, he feared it was because they knew that there was something rotten in their proceedings, which would not bear to be brought to light. If, however, a negative should be put on the present question, what was it but giving a sanction to a new principle of administration—to a melancholy innovation on our constitution, which would alarm our own country, and astonish all Europe? And the reason, forsooth, why British privileges were to be overthrown, and British prejudices disregarded, was, that nothing but strong measures could keep the country tranquil. Why, this was sad news after so many years of hard and expensive fighting when we had been told, too, that the peace of the world was fixed, and that we had nothing to do but to sit down and enjoy ourselves in ease and quietness all the rest of our days. Could ministers believe that such a declaration, coming from them, would not tend to irritate rather than allay disaffection? Oh! then, they exclaim, if that should be the case, there must be another suspension of the Habeas Corpus act, then another secret committee, then another indemnity bill! And so the odious wheel was to go round for ever! He implored the House to do what they could to prevent such a result. No inconvenience could arise from the adoption of the motion, and much might result from rejecting it. For instance, he was, and ever should be a friend to an extensive reform in our parliamentary representation: but at the same time, he was an utter enemy to those wild and senseless schemes which had been broached in many quarters: but were the wild designs of the foolish or the desperate to be checked by imprisoning the innocent, and ruining their families? He said the innocent, for they had not been proved to be otherwise, and it was at least a sign of grace in them, that in their anxiety to be declared so, they had demanded to be tried by their country. What would those men say on being sent back to their impoverished families, to their ruined trades, without redress, nay, without a hearing? Would they not say, "We have been imprisoned without cause, we have been discharged without trial, or the means of asserting our innocence: government spies were sent to irritate us to desperation in the hour of our distress, and having failed in that object, they made us their victims because we would not be their dupes; and yet you see, when we apply to parliament, it will not assist us; it turns a deaf ear to our petitions, and shuts the avenue to all redress." Would not this be their laaguage, and who could gainsay it? and yet what a dangerous argument it would be in the mouth of a disaffected reformer? He knew that some motions were opposed, and perhaps rightly, on the ground of their being party ones; but that could not apply to the present. Here the simple question was, whether the House would recognize the detestable employment of informers—whether they would encourage a system which would sap the first principles of our constitution, and consequently the happiness which resulted from them. He saw a right hon. gentleman (Mr. Canning) making himself ready to engage, but that right hon. gentleman would find it hard to convince the House or the country, that the system of espionage was not at once fatal to the honour of the government, fatal to the freedom of the nation, fatal to the comfort of every branch of society. [Loud cries of Hear, hear!].

Mr. *Wilberforce* began by saying, that he should not have offered himself to the attention of the House, if he had not been called upon in so marked a manner. He was not the more disposed to agree to the present motion on account of the tone of easy confidence assumed by the right hon. gentleman who had just sat down, for he had known that right hon. gentleman too long and too well, not to know that he always appeared most confident when his cause was desperate. The fact was, that nothing could be more loose, vague, and indefinite than the present motion. When a motion had been formerly brought forward concerning the persons supposed to be alluded to in the report of the Secret Committee, as having instigated the insurrection they were sent to detect, he had objected to that motion, because he did not think that the committee had referred to any specific case which had come to their notice. Indeed, he knew that the meaning of the committee was very different; for they distinctly saw and directly asserted, that a general rising had been determined upon before that man, Oliver, had appeared upon the scene at all. The committee at the same time had fairly avowed what had come to their knowledge, as to the existence somewhere of instigators to mischief, who had been employed for a different purpose; but no specific instance had come before the committee, nor was it their intention to say that any had. He had, therefore, opposed the motion so founded. But the present motion was even less founded, and the inquiry suggested would be laborious, nay, endless. Besides, how did it appear that the very first thing essential to an inquiry would be found in this case—he meant, the veracity of the witnesses. Was it improbable that the persons who professed a readiness to come forward against Oliver and the rest, would be persons whose designs might have been prematurely revealed by Oliver, and who therefore would be anxious, from revenge alone, to appear against their detector. He felt convinced, that if the strictest investigation were to take place, all parties would come out of it with disgrace [a laugh]. His right hon. friend who spoke last, and himself were old soldiers in parliamentary warfare, and he certainly felt no anger at any observations which had dropped from him that night, because he felt that his right hon. friend had done no more than might be expected from him as leader of the opposition. But he would do what he conceived to be his duty, whatever might be the opinions, or whatever the sneers of his right hon. friend. As to the question more immediately before the House, if his hon. friend behind him (Mr. Bennet) or any hon. gentleman would pledge himself to bring forward any credible witness, who would prove that Oliver, or any other person, had instigated others to commit treason, he, for one, would give his vote for an instruction to the attorney-general to prosecute such a wretch. That he could be prosecuted he had no doubt; for on the common principle of our law, that there was no evil without a remedy, there must be a remedy for so monstrous an evil. Let such a motion be made, and he hereby pledged himself to support it. The system of espionage he execrated, and he considered it as not one of the least evils resulting from it, that those who, from circumstances might be able to furnish information, and who would be willing to do it from motives of pure patriotism, might nevertheless be deterred from rendering such an essential service, lest they might be suspected of vile and mercenary motives; while, on the other hand, the hired spy, from anxiety to please his employer, and to do himself credit, would irritate instead of appeasing discontent, and would make a plot if he did not find one. He was convinced that there was no man whose nature was more abhorrent from the employment of such agents than the noble secretary of state for the home department; and the truth was, that Oliver had not been in the first instance, employed by him. Oliver went to that noble lord saying that certain things had accidentally come to his knowledge, and offered to accompany an officer, who was then going down to the disturbed districts. His offer was accepted, and he must condemn that act; for he felt it to be as unnecessary and impolitic, as it was contrary to all the best principles of moral and religious justice, to employ the arts of depraved and mercenary falsehood for the discovery of truth. A country which had more morality and more religion than any other country in the world, ought not to be degraded by the employment of such wretched means of producing even useful results. For his own part, he saw so much good in the country, that he was not at all disposed to adopt the desponding tone of the right hon. gentleman, especially when he saw that the great hopes of the disaffected had been built on the distress of the country, while the most distressed districts had, to their great honour, remained untainted.—One word more, though on a subject on which it could not be pleasant for him to speak: he would ask, to what length must party feeling have reached in that House, when it was asserted, that because a person was not systematically opposed to every motion of government, he could not form an honest opinion on any subject presented to him in parliament. [Cries of No, no! from the Opposition.] Well, if gentlemen were anxious to disclaim such an injustice, he hoped that himself and an hon. friend of his would in future be treated with somewhat more respect. He would repeat, that when he contemplated the moral and religious habits of the people, he could not despair of the country, though he was sure that to revile as some did, and to depreciate as others did, our civil institutions was not at all calculated to generate a feeling of content or love of country. A right hon. gentleman had talked about what foreign countries would think of our proceedings. It was sometimes a curious speculation to inquire into the opinion entertained of us by other nations: and here certainly there was a singular contrast between the judgments formed of our institutions abroad and at home. The wisest and best foreigners were full of admiration at our liberty and integrity, while, according to our declaimers at home, all was slavery—all corruption. He had been drawn in to say more than he had intended; but let a definite motion be made, and he would support it, That the present motion was of a different character was evident from the extraneous matter into which an acute and dear friend of his (Mr. W. Smith) [A laugh!] had wandered. He did not exactly know what that laugh meant, but if it was meant for his hon. friend, never was a laugh more misapplied; for he was convinced that his hon. friend never acted in that House except from the most sincere motives of good to his country. The right hon. gentleman who had spoken last had amused the House a good deal by allusions to the chase, and by descanting on starting game. He (Mr. W.) could compare the present motion, and some others like it, to nothing else than a pack of hounds in full cry, scouring the fields, and starting a hare in every corner [A laugh!]. They might, as far as he was concerned, have the sport all to themselves, for he would not pretend to keep up with them.

Lord *Archibald Hamilton* rose amid loud cries of "Question!" He said he would merely allude to the conduct of government in Scotland. If Oliver was not employed and paid for his services in Lancashire, it was clear that Richman was in the county of Lanark. The affidavit of Mac-Laughlin asserted that that fellow had at a public meeting, said to a set of starving mechanics, that nothing but an alteration in the government could benefit them, and that parliament must be attacked by fear, not by prayer. The noble lord concluded by observing upon the inconsistency of the last hon. member who pretended to abhor spies, and yet would vote against the present motion for inquiry into their proceedings.

Mr. *Philips* replied. He said he was surprised, after the sentiments which had been avowed Mr. Wilberforce, that, framed as the present motion was, he should not have the benefit of his vote, because if the inquiry commenced, he could see no end to it. He thought it extraordinary that the difficulty or extent of an inquiry should thus be urged as a reason for not entering into it. He briefly noticed what had fallen from other speakers, repeated many of his former arguments, and concluded by strongly insisting on the propriety of granting the proposed inquiry.

The House then divided: Ayes, 69; Noes, 162. Majority against the motion, 93.

List of the Minority.

Abercromby, hon. J.
Althorp, viscount
Baillie, J. E.
Barnett, James
Baker, John
Birch, Joseph
Brougham, Henry
Browne, Dom.
Burrell, hon. P. D.
Byng, Geo.
Burroughs, sir W.
Calcraft, John
Calvert, C.
Campbell, hon. J.
Carter, John
Cavendish, lord G.
Cavendish, hon. C.
Duncannon, viscount
Fazakerley, N.
Fergusson, sir R. C.
Folkestone, visct.
Frankland, Robert
Gaskell, Benjamin
Gordon, Robert
Guise, sir Wm.
Hamilton, lord A.
Howard, hon. W.
Howorth, Humph.
Hughes, W. L.
Hurst, Robert
Hammersley, H.
Latouche, John,
Latouche, Robt.
Latouche, Robt. jun.
Lefevre, Chas. S.
Lambton, J. G.
Methuen, Paul
Macdonald, James
Mackintosh, sir W.
Madocks, Wm. A.
Martin, John
Milton, visct.
Monck, sir C.
Morpeth, visct.
Moore, Peter
Mosley, sir O.
Newport, sir John
North, Dudley
Nugent, lord
Ord, Wm.
Peirse, Henry
Pelham, hon. C.
Pym, Francis
Ridley, sir M. W.
Robarts, W. T.
Scudamore, R. P.
Sharp, Richard
Smith, John
Smith, W.
Symonds, T. P.
Stanley, lord
Tavistock, marquis
Tierney, George
Walpole, hon. G.
Waldegrave, hon. W.
Warre, J. A.
Webb, Edward
Wilkins, Walter
Wood, Matthew

TELLERS

Douglas, hon. F. S.
Philips, George

HOUSE OF COMMONS.

Friday, March 6.

MOTION FOR THE REDUCTION OF 5,000 MEN FROM THE ARMY GRANT.] The report of the Mutiny Bill being brought up,

Lord *Althorp* rose to move the Reduction in the Army Grant, of which he had given notice. In bringing forward this motion, he could not help expressing a wish, that some member more competent than himself had undertaken the task.

After the discussion which had taken place a few evenings ago, he should not feel it his duty to enter at great length upon the subject. In the present state of the country, when the finances were in such a situation, when we were involved in so many difficulties, he could not but think that the army was larger than it ought to be. There scarcely ever had been a time when the country had been so distressed. Last year the income had been 51,000,000*l.*, and the expenditure 65,000,000*l.*; that was, there had been a deficiency in the income, when compared with the expenditure, of fourteen millions. Without any great knowledge of finance, it must be obvious to every man, that it would be impossible we should be able to preserve the situation we had held, or to resist any aggression that might be made upon us, unless by some means our income and expenditure could be brought nearly to an equality. Either the expenditure should be lowered to the income, or the income should be raised to the expenditure. It would be obvious to every one, that, whether the deficiency should be supplied by loans or exchequer-bills, it would be still money borrowed. The out-standing exchequer-bills amounted now to 56,000,000*l.* Whether the military establishment or any other were under discussion, it was plain that they were considering the question—whether any new tax should be laid upon the people, or any reduction should take place. The question was, whether they would keep up the establishment with which they were so over-burthened last year, or what reduction they would make that might diminish the burdens of the country. Three thousand men, or less, was the only reduction that had been proposed by government. He did not mean to trouble the House by entering into any of the details of the forces; to that, indeed, he felt himself unequal. He did not possess any information on the question, whether more or less might be necessary in any particular department. His hon. friend, the member for Rochester, had compared the establishment of this year with that of 1792. Being the last period of permanent peace, it was certainly the best criterion to go by; but the noble lord opposite had objected to that. He should not have the least objection, however, to allow the noble lord to choose any year between the American war and the war with France. As this was the third year after the present peace, he would take the third year after the American war—that was 1786. Before he entered on the comparison, it was necessary that he should state what part of the estimates of the year he would put entirely out of the question. One part of the forces he should not take into the account, was that employed in the colonies acquired since the time when the estimate to which he had referred was brought forward. The noble lord had, he believed, stated those forces at 12,600; but, not to enter into any particulars, he should leave out in that part 13,620. There were 24,000 for the colonies, and the force for Ireland, that were deserving of consideration. The Irish force was agreed, by most men acquainted with that part of the kingdom, to be necessary. But why were they necessary? That was a matter for which his majesty's ministers were responsible. Why were they necessary, when the constitution of Ireland was the same as that of England? when the people of that country enjoyed the same laws as we did? when they ought to have the same privileges and liberties? Why was it that the state of the country was such, that they could not be tranquil with what was supposed so great a blessing—the English constitution? The state of Ireland arose, no doubt, from a system of mismanagement. The only striking difference between England and Ireland was, that the great mass of the people in the latter country, were deprived of many of those privileges which were enjoyed by the people of England. Ministers were responsible for the state to which Ireland had been reduced; but in the condition in which that country was, he should not press for any alteration in that part of the estimates. He should merely take them as they regarded England. He should proceed to state the estimates which the country had had in 1786. He should not detail the difference between that year and the present, but only give a general view of the leading points of difference. In 1786, the estimate for England had been 17,638 men, and for the colonies 9,546. There were some Irish regiments employed, amounting to 2,000 men; the whole of the estimate amounting to 29,780. But now the estimate for the old colonies was 24,000 men, and the whole of the estimate, with the exclusions he had made, amounted to 53,780. The whole difference would be, taking it as he had stated, upwards of 24,000 men. The noble lord had accounted for part of the difference from the alteration of the mode of relief. He had set apart upwards of 6,000 men for the purpose of relief. Such a number could not have been required upon his principle of excluding the new possessions, and therefore he would take that part at 2,000 men. That accounted, then, for an increase of 4,000 men since the American war. There remained still, however, upwards of 20,000 men unaccounted for. He should not enter into the detail, but ministers were bound to show a necessity for every one augmented item of the estimates. The population of the country was adduced as an argument for an increase of force. He had been really surprised to hear that held forth as an argument. It had been our pride and triumph, that when the despotic governments were obliged to maintain themselves by a military force, we, with all our privileges, were not molested in their enjoyment by an army. He could not allow of that argument at all; but if he could allow that a large army was a necessary consequence of a great population, he should be very far from approving of our present force. In 1786 the British force was 17,000 men, and now it was 29,000; so that there was a difference of nearly 12,000 men. But taking that argument to have its full weight, he did not suppose it would be available in considering the forces for the West-Indies. In 1786 we had got out of a war which was very different from the last in which we had been engaged. We had then to guard against both foreign enemies and domestic danger. Now, we had borne the conquest of Europe, and had an immense army in France, ready to preserve us from any sudden aggression. It appeared, indeed, that any argument on the subject would tend rather towards a reduction of the estimates than an augmentation. We had no occasion for such a force in the colonies. The only possible danger to the foreign colonies was to be apprehended from America, and that country had a standing army of 8,000 men; and to watch this, we were to keep up an army of 24,000 men in our old colonies. That number was so much beyond any calculation to which he might refer, that he could not for a moment think it was proper. His arguments, it might be said, went considerably farther than the reduction he intended to propose. The reason why he had an intention of moving so small a reduction was, that one of 10,000 men had been lately refused by so large a majority of the House, that he had no hope of carrying one at all approaching that number. Indeed he might say, he had no hope of carrying his present motion; but certainly there was more hope of that than of one for the reduction of a greater number. In point of economy, the reduction of 5,000 men, which he should propose, would certainly be a saving to the country of 180,000*l*. That was a sum of considerable importance at the present moment. It had always been a favourite argument with him, that a large standing army was a dangerous thing for this country. Indeed, the policy of the country had been very much changed of late years. It had formerly been the practice to keep up the force of the navy, but that was not the case now. At no previous period had there been voted for Great-Britain a larger force for the army than for the navy. Between 1786 and 1792, there had been voted for the army 17,000 men, and for the navy 19,000. Now, there were for the army 29,000 men, and for the navy 20,000. Though we had attained great honour as a military nation, could any man believe that we should ever have reached that, if we had not been a great naval power? In former times, every success depended on our navy, but the navy was becoming so much neglected, that he feared it would be difficult for us to maintain the high station we had hitherto claimed, in case of any future contest. If the army increased, it should be narrowly watched, as it augmented the influence of the Crown. It was evident, that since the abolition of a trade which filled our West-India colonies with discontented slaves, a smaller force must be required for their protection. We had 100 battalions, which, in 1786, consisted of only 400 men each, but at present of 800. He should propose to take 50 men from each of those battalions, the strength of which would not be materially impaired by being reduced to 750 men.—The noble lord concluded with moving an amendment to the bill, by leaving out "113,640 men," and inserting "108,640 men," instead thereof.

Mr. *Wynn* said, that he had to state a difficulty in his mind relative to the proceeding of the noble lord, which was, whether, supposing the House should agree with his motion, it would be productive of any effect whatever. A similar amendment had been moved in more instances than one, and carried, which seemed to have made no diminution in the number of troops maintained. The number of troops was never an effective part of the mutiny bill; but its principal object was, to make provisions and regulations according to which the conduct of the army was to be arranged. Indeed, if the House looked back into the history of mutiny bills, they would find that they had frequently stated no numbers whatever. In the year 1715, 9956 men had been voted, which the House of Lords had diminished to 8050. From that year no number had been specified in mutiny bills. In the year 1724, the number 12,434 men had been inserted in the mutiny bill, though the supply had been voted at 14,294: the army continued at that number: the bill went up in despite of the limitation of the mutiny bill, and a farther augmentation of 4,000 men was carried. In another year the supply had been voted for 18,000 men: the House of Lords made a reduction: but when the estimates were examined, the numbers would be found to continue at upwards of 18,000. With these instances before him, he did not know in what way the noble lord's amendment could operate. He agreed most cordially with most of his statements. With regard to the augmentation of force in the colonies, the noble lord would observe that that had been maintained in a great degree by themselves. He would find that Jamaica had had a regular establishment: that they had kept up two battalions. The hon gentleman concluded with declaring that, though he agreed with many of the noble lord's statements for the reasons he had stated, he could not concur with his motion.

Mr. *Bankes* said, that the motion of the noble lord was strictly conformable to usage. That House, and that House alone, had the proper control over the mutiny bill. In certain instances, it was true, the other House, when they considered the grants made by that House as extravagant, thought proper to make a seasonable reduction, and the House of Commons acceded; having granted too much by a hasty vote, they thought proper, upon reconsideration, to concur in its reduction. He hoped that if they now agreed to the reduction of 5,000 men, as proposed by the motion of the noble lord, that it would not be competent for the government to go beyond it. In time of peace it behoved them to look at every possible mode of reduction which was safe and warrantable. He admitted, however, that a large establishment, such as ours had been for years, could not be suddenly reduced. This could only be done gradually. He varied much from the opinion of the secretary at war. That noble lord had stated that Mr. Pitt was greatly mistaken in proposing a peace establishment which was too low; seeing that, in the war which broke out shortly afterwards, the country was put to very serious expense in raising the army to a proper standard. But the maintenance of a large standing army, when of no use, in order to be prepared for exertions which might possibly be required afterwards, was improper in every view, and utterly repugnant to the spirit of our constitution. Last year it might be perhaps maintained, that a considerable force was necessary to restrain the turbulent and disaffected; but the case was now happily changed, and we could do with a less force. He thought that three regiments, consisting of 2,400 men, might be deducted from the home service, and, that in the colonies a reduction to the same extent might be effected.

Lord *Palmerston* said, he would not pursue the question of regularity in the proceedings which had been alluded to. That he should leave to members better qualified than he was; but he would meet the question of reduction on its own ground, and show, he trusted, to the satisfaction of the House, that no sufficient reason had been given for that diminution of the forces which the noble lord had called for. The noble lord had taken the ground of former periods, and comparing the forces then kept up with those which were now proposed, had concluded that the latter were much more than were necessary. He had gone back to the year 1786, and stated the comparatively small number of men kept up at that time; but the noble lord had omitted to notice, that in 1786, and from that year to 1792, we had in our pay a body of 10,000 Hessians, which, though they were not within this island, were at least available in cases of emergency, and should have been counted in enumerating the force kept up at that period. With respect to the year 1792, he did not think it was fair to compare it with the present year. The circumstances of the country at both periods were wholly different, and he should further observe, that it was a mistaken policy to have reduced the establishment so low at it was made in the early part of that year. Mr. Pitt was deceived in the view which he had that year taken of the state of the continent, and he severely felt the effects of the reduction afterwards. He came down to parliament, and, in his proposition for the reduction of the land forces, he observed, that looking at the then state of Europe, there never was a period when the country might with more confidence look forward to a continuance of peace for fifteen years. The army was reduced to a small number. But what was the consequence? The internal troubles which soon afterwards broke out, rendered it necessary to call out the militia, and the government were obliged to apply immediately to parliament for an increase of the military establishment. But that was not the only ill effect which followed. It was found that the disbanding of so large a body of regular and disciplined troops, crippled the exertions of our forces for a very considerable time after, and so it would ever be, during the first years of a war, when the conclusion of peace was followed up by an immediate disbanding of so great a number of men. The question before the House was not strictly whether the force kept up in the year 1792, was too great or too little, but whether the circumstances of the country at home and of our colonies required the force which was now proposed? If in this view the state in which Europe had been placed for the last twenty-six years was the extraordinary and sudden changes which had so frequently taken place, and the powerful coalition which was made against us at one time—if these circumstances were considered, he was satisfied that the proposed force would not be deemed more than was required. He did not mean to uphold the principle, that the increase of population rendered a proportionate increase of our military force necessary, or that a numerous population ought to be governed by the edge of the sword; but he appealed to the experience of the last few years, whether an increased population depending upon agriculture and commerce, might not, from particular circumstances, such as a change of season, and want of employment, be worked upon in such a manner, and brought into such a state of fermentation, as to render life and property unsafe, without the protection of a large military force? Most of the gentlemen present had seen a proof of this in the riots which took place on the subject of the corn laws about three years back, when a large military force was necessary to protect them from insult in their passage to and from that House. This he conceived was one fair ground of the present force proposed for Great Britain. With respect to the colonies, he did not conceive that the forces to be kept up there were too numerous when the circumstances of their situation, with respect to those of other powers, were considered. When the House had admitted the necessity of an army of occupation in France, they laid a very strong ground for the principle on which the present force was proposed for the colonies. He was sorry to be obliged to trouble the House with a repetition of the details respecting the disposition of the several forces which he had given on a former evening, but he found it necessary, in order to show the noble lord that there were none kept in any place which were not called for by the circumstances of the case. In Great Britain the force intended to be kept up was 26,000 men, but it would be necessary to look at the manner in which these were to be applied, and from thence it would be seen, that after the deductions which he should mention, there would not remain in England a disposable force exceeding 18,000 men. The House knew that in relieving and reinforcing the regiments abroad it was necessary to send out a certain number every year. Taking the average service of any regiment abroad it might be stated at ten years, beyond which, except under particular circumstances, it was not thought fit to extend the foreign service of any regiment. This would render a draught of a fifth of the whole number of our colonial troops necessary to be taken every year from our troops at home. This he would estimate at about 5,000 men, and then with the time taken in going out, and the returning of the other troops, it might be said that there was this number of men ineffective every year, though of course they were still paid for. This number deducted from the troops at home, would reduce them to 21,000. But this was not the only reduction, for it was to be recollected, that in lieu of the men sent out there were frequently only the skeletons of regiments returned home, from which, on examination, it was afterwards found necessary to discharge a great number of men as unfit for further service. The amount of this might be fairly stated at 2,000, which, with the 1,000 men for Guernsey and Jersey, would reduce the whole number from 26,000 to 18,000 men. This number could not be thought unreasonable for the protection of the country, when it was considered, that a considerable number of them must be rendered ineffectual by sickness and other causes; that a grat number were necessary for the protection of the metropolis, and for the dock-yards and other places. With respect to the force proposed for Ireland, it was not insisted that that was too great, and he should therefore make no observation upon it. As to the colonies, he did not think that the force there ought to be diminished, when the changes which had taken place in many of them were considered. In Canada, for instance, the great extent of it, and its proximity to a state which might at a time of war invade it with such facility, it was necessary that a respectable force should be kept up. In the West Indies the force was very little greater than what it was in 1792. In Jamaica and the Bahamas the force in 1792 was 2.200, and at present it did not exceed 3,000. In the Leeward Islands there were 3,200 in 1792, and at present there were only 3,400. It was also to be considered, that though we were obliged to pay these troops, the colonies were obliged to provide their rations. Then, as to the new colonies, the very circumstance of our having taken possession of them rendered it necessary to keep up a greater force there than might have been necessary under other circumstances. We had conquered them, not merely for the intrinsic value of their soil and productions, but as to points of military possession, and in that view it was necessary to keep up a large force there. The noble lord had urged this as an objection to the number of troops which were kept up; but he should have recollected that it would be useless to retain these places unless they were properly strengthened. On the whole, he did not consider that there were any places at home or abroad in which a greater force was kept up than was necessary. No argument had been advanced to show that a reduction was necessary, for it was not fair to take the establishment of 1792 as a criterion by which to judge of the necessity of the establishment of the present year. The circumstances of this country, and the changes which had taken place in almost every other country in Europe, were the only things which should be considered. On all these grounds, he should vote against the noble lord's motion.

Mr. *Ord* said, that although he seldom offered himself to the attention of the House, he felt himself bound on this occasion to raise his voice, however feeble, against the system of ministers, because it appeared to him calculated to reduce the country to a military government. With respect to the alleged necessity of a large military force for the defence of the metropolis, he could not see that any increase had taken place in the extent or population of this city since 92, which could call for the advanced force proposed by the noble lord. But even admitting an increase of population in the metropolis, according to the noble lord's statement, how could such increase form any argument for the increase of our military force, unless it were argued that the police of London should be managed by the same means, as those resorted to in Berlin or Petersburgh, or the other capitals of military and arbitrary governments? The taste of such governments had no doubt become very prevalent of late years in this country; for there was no levee now without a crowd of soldiers parading the streets, and guarding all the avenues to the royal residence. If our ancestors could witness such military exhibitions, they would be apt to imagine that the French, or some foreign enemy, was actually at our doors. There was obviously no necessity for such exhibitions. And was it only to gratify a foolish, foppish taste for pomp and parade, that ministers proposed, in the present state of our finances, to maintain a larger peace establishment than was ever known before? Time was, when his majesty held his levees without any military to parade the streets, and such practice was, he had no hesitation in saying, more suitable to the character and real dignity of the monarch of a free people, than the practice which had obtained of late years. The enemies of reform and innovation seemed to think an increased military force necessary to preserve the peace of an increased population. But would the ministers generally adopt the noble lord's doctrine, that the mass of the people were so discontented, that nothing but the terror of a military force could prevent an explosion? If so, what a reflection upon the conduct and character of the government! But the fact was not so; for the British people were not so insensible of the value of their constitution, with all its defects, especially in modern practice, as to desire its overthrow. But from the noble lord's language, that constitution was not so very reverently to be regarded; for the good old constitutional objection to a standing army was, it appeared, by himself and his colleagues, deemed quite inapplicable to our present condition. Why, really, from such language, it was impossible to say how soon some other constitutional point of great value, might be deemed equally inapplicable or inexpedient by those ministers; perhaps the trial by jury, or the Habeas Corpus act, or any other sacred characteristic of our free constitution; for the whole career of those ministers was calculated to alarm the friends of constitutional liberty, if not to produce absolute despair.

Lord *Nugent* said, that he had seldom heard a speech more honourable to the person himself, or more useful to the House, than that of the hon. gentleman who had just sat down. He did not mean to detain the House long; he would only offer a few general observations. There was one topic on which he could not but animadvert—he meant the employment of foreign mercenaries. There was one regiment, consisting of four battalions, composed entirely of foreigners of different nations. This he thought an extremely exceptionable measure. The only difficulty that could be felt in the disbanding of any regiment was the reluctance to deprive so many of our gallant countrymen of their usual subsistence; but no such difficulty could be felt with regard to the 60th regiment. Why, then, should it be retained upon our peace establishment, especially while so many of our native regiments were disbanded? There was another point also upon which he felt himself called upon to differ, not only from the plan of ministers, but from the opinion of his noble friend who made the present motion, and that was with regard to the army of occupation. He felt a strong objection that so many Englishmen should be kept among such scenes and such society as they were exposed to under a military government, or that British soldiers should be fixed in a situation where they were but too liable to imbibe notions and sentiments which it would be treason to support upon their return to their native land. He was aware that by that treaty which ministers had concluded, and some gentlemen approved, but which he thought the very worst to be found in the history of our diplomacy, we were pledged to maintain a certain contingent in France. This treaty ought, he admitted, to be sacredly observed, as the honour of the country was pledged upon the subject; but he would much rather vote for the supply and support of that contingent by a body of Russians, or any other mercenaries, than have his countrymen placed in the disgusting, odious, and un-English office of upholding military despotism.

Mr. *Warre* could not see the necessity for any larger military force at present, than existed in the year 1792; and if the manner in which the army were generally employed was considered, it would be evident to every rational being that no such necessity could be pleaded, unless it were deemed material to have soldiers stationed as sentinels upon Chinese bridges, to guard French mortars, or to attend idle shows. It was extraordinary, he observed, with what facility ministers could get rid of the authority of Mr. Pitt when it suited their purpose, while they held up that authority as an object of the highest reverence, on other occasions. Because Mr. Pitt had proposed a moderate military establishment, in 1792, in consequence of the probable duration of peace and the embarrassed state of our finances, that minister was, truly, deceived, and destitute of political foresight. The insurrection in the Isle of Ely, about two years ago, was put down by a cornet of dragoons, a relative of the hon. member for Wiltshire. If, indeed, the French Revolution, with its desolating principles, were yet in operation—if the victories of 1814 and 1815 had not taken place—if the treaties of the noble lord had not been signed, then indeed he could understand the arguments of the hon. gentlemen opposite, in support of such an extensive military force. One would suppose there was still the fear of some convulsion. Indeed, from the roundabout manner in which the noble lord expressed himself as to a tranquillity, not yet consolidated, it would seem that the advocates for the present establishment thought so. It was with regret that he saw in the great states of the continent a determination to uphold what the noble secretary had so justly described—a great military monster. But with what consistency could Great Britain interpose to obtain its extinction, until she herself first set the example.

The House then divided: for lord Althorp's Motion, 42; Against it 63.

List of the Minority.

Abercromby, hon. J.
Burroughs, sir W.
Brougham, Henry
Bennet, hon. H. G.
Barnett, Jas.
Babington, Thos.
Calcraft, John
Carter, John
Calvert, Chas.
Fergusson, sir R. C.
Fazakerley, Nic.
Folkestone, lord
Gordon, Robert
Guise, sir W.
Grenfell, Pascoe
Hamilton, lord A.
Hurst, Robt.
Leader, Wm.
Lambton, J. G.
Lefevre, C. Shaw
Lester, B. L.
Mackintosh, sir J.
Madocks, Wm. A.
Martin, John
Nugent, lord
Newport, sir John
Newman, R. W.
North, Dudley
Ossulston, lord
Philips, George
Portman, Ed. B.
Ridley, sir M. W.
Sharp, R.
Smith, Rob.
Smyth, J. H.
Scudamore, R.
Tierney, rt. hon. G.
Tavistock, marquis
Warre, J. A.
Webb, Edward
Waldegrave, hon. W.
Wilberforce, Wm.

TELLERS.

Althorp, viscount
Ord, William

On the numbers being declared,

Mr. *Gurney* rose to call the attention of the House to the present total abandonment of the late Mr. Windham's plan for substituting enlistments for limited periods to engagements for life. The hon. gentleman entered into some detail, to prove that life service had never been recognized by the law, nor ever had been brought into practice previously to the accession of George 1st; when the last mutiny act of queen Anne, having entitled the troops to their discharge after three years service, the whig ministry of that day omitted the clause, on the avowed pretext of the great danger of training Scotchmen, and letting them loose, again to strengthen the Pretender's armies. The practice, thus commencing, went on silently till 1749 and 1750, when Mr. Thomas Pitt, supported by generals Conway and Oglethorpe, moved for leave to bring in a bill, to entitle men to their discharges after ten years; which motions were lost by very inconsiderable majorities. In 1807 Mr. Windham carried his measure; but in 1808 the noble lord opposite returning to power, introduced—under the pretext of the great exigencies of that moment—a clause in his mutiny bill giving an option to such persons as chose to enlist for life. We were now at peace again. The necessity for this most unjust and unconstitutional practice could hardly be pleaded in its extenuation; but the simple fact was, that whereas during the war the option had, to a certain degree, been given, at the present moment it was entirely illusory, as all the regiments were enlisting—and enlisting boys—solely for life. The hon. gentleman said, he did not rise to make any specific motion; but as that of the noble lord had occasioned a larger attendance than usual, he advantaged himself of the opportunity of bringing the subject under the notice of parliament.

The Mutiny bill was then read a second time.

LONGITUDE DISCOVERY BILL.] Mr. *Croker* rose, pursuant to notice, to move for leave to bring in a bill for consolidating the different acts passed for rewarding the Discovery of the Longitude. His purpose, he apprehended, would be at once explained, when he stated that these acts were no fewer than twenty-one in number, many of which had partly expired, and were still partly in existence. The object contemplated by all these acts was the discovery of the longitude at sea, the inquiry after which might be traced as far back as the period when Philip 2nd of Spain was vainly attempting to establish a superior marine. The parliamentary enactments which had so rapidly succeeded each other since the time of sir Isaac Newton, for the purpose of encouraging experiments, commenced in the reign of queen Anne. A variety of ingenious and elaborate investigations had subsequently shown, that although there were two modes of prosecuting the inquiry with partial success, the one mechanical and the other scientific, it was essential to the ultimate perfection of the discovery, that scientific principles should predominate. Mr. Harrison had obtained a very large reward for constructing a time-keeper, which, on the first essay, which was a voyage to Barbadoes, did approximate to the nearest point, viz. 30 minutes, or half a degree, required by the act of parliament. A considerable reward had likewise been voted to an eminent mathematician for constructing tables on purely scientific principles, which, although they did not advance the discovery, brought to perfection the means previously acquired for that purpose. The House must be aware, that the question depended on astronomical laws, and that the word longitude was merely a popular expression for denoting their certainty or operation. The intention of the bill which he should have the honour to propose was, that the commissioners of the board of longitude should remain just as they were, but that there should be added to them such gentlemen in the scientific world as, by a residence in or near the metropolis, would become useful members and assistants. His object was, indeed, to replace the board in that state of efficiency in which it ought to be—to restore it to that situation in which it was intended to be at its very foundation and commencement. There were many important considerations which would show the necessity of resorting to this proceeding. In the first place, he would beg to state, that, in the year 1767, Dr. Maskelyne, a name which could never be mentioned without the highest respect, projected the Nautical Almanack, a work which was published during his lifetime with the greatest honour to himself, and the most essential service to the country. But, after his death, the reputation of that book greatly declined, and it had latterly fallen to a very low state. Mr. Croker said, he had himself looked into the whole of the almanacks, from the earliest period, and had found only two or three errata in any one volume. The latter publications, however, were very incorrect, and he was sorry to be obliged to say, that the volume for the present year did not contain less than eighteen grave errors, and the publication for the next year not less than forty. In fact, the nautical almanack was a by-word among the literati of Europe. He would mention, however, that, generally speaking, they were not scientific, but typographical errors: but the mischief that must arise from such a publication was an injurious in the one case as in the other. From this consideration, it would be part of his measure, that the House should select a proper person, with a moderate but adequate salary, to superintend the publication of that work.—Another object which deserved great attention, and in which he considered the honour of the country to be deeply interested, was the discovery of a north-west passage between the Atlantic and the Pacific ocean. This had become an object of great anxiety since the reign of George 2nd. By the act of the 16th of Geo. 3rd, it was recited, that whereas the whalers had often opportunities of approaching the northern pole; and whereas it would be very useful and beneficial to see how near they could approach that pole; the act therefore awarded, that the sum of 10,000*l.* should be given to such as approached within one degree of the northern pole. A subsequent act had, however, specified an oath quite inconsistent with the circumstance of the whaler being near the northern pole; for it required that the person should not be actuated by any motive or object whatever, except the catching of whales. It was one object, therefore, of his bill, to reconcile these two measures.—Three of the scientific persons that he proposed to associate with the board—gentlemen residing near town, who could always be referred to—it was thought ought to receive a moderate remuneration for their trouble. With the concurrence of the venerable and respectable president of the Royal Society, he thought the remuneration given might be so low as 100*l.* each, and he trusted the House would be of opinion that the sum of 300*l.* could not be better employed. The sums to be given for future approaches to the discovery of the longitude, it was proposed should be 5,000*l.*, 7,500*l.*, and 10,000*l.* The limits within which these sums were to be granted, to be settled from time to time by the board, according to the advances made in science, so that the reward held out should act as a perpetual spring to human industry and scientific research. He hoped the bill would be suffered to be brought in. He would then move that it should be printed, and name a distant day for the second reading. He then moved for leave to bring in a bill "for more effectually discovering the Longitude at Sea, and encouraging attempts to find a Northern passage between the Atlantic and Pacific Oceans, and to approach the Northern Pole."

Mr. *Davies Gilbert* said, that after the very luminous explanation which the hon. gentleman had given respecting the objects of his bill, and the benefits which must arise from it, he considered it unnecessary to detain the House by any observations of his own. He most heartily concurred in the measure, and thought it highly desirable that some steps should be taken for improving and perfecting time-keepers, and the construction of lunar tables. Nothing, he believed, had come nearer to perfection than the astronomical instruments now in use. With respect to the Nautical Almanack, he begged to inform the House, that the reputation which that work had acquired was owing to the unremitting care and attention of the rev. Mr. Hitchins, a gentleman whose name had not been sufficiently known, nor his labours duly rewarded. Since his death, the publication had fallen into other hands, and was not so well conducted. Another clergyman, the rev. Mr. Edwards, had greatly distinguished himself by his calculations on these subjects, in which his wife and daughter frequently assisted; but Mr. Edwards was now dead, and his widow and daughter had not met with that degree of attention which they deserved. In point of fact, they were no longer employed.

Mr. *Brougham* said, that he did not rise for the purpose of opposing the measure, but he wished to be informed whether any difference of opinion had arisen among the members of the board of longitude? No one, he believed, would object to the salary of 100*l.* a-year for each of the additional members, if they were found to be necessary; but there was one point connected with that measure which deserved the most serious consideration—he meant the additional patronage which the appointment would confer on some persons.

Mr. *Croker* stated, that he had never heard of any disagreement in the board of longitude: such disagreement was, indeed, hardly practicable, as there were only two or three meetings in a year, and they sat for a very few hours. He found by the act of queen Anne, that nine commissioners were appointed; but it was now proposed that there should be only six. The patronage would be certainly very little felt, and learned men would look more to the honour than to the emolument of the office. The salaries were to be put on the ordinary estimates of the navy and the elections would be annual, subject to the control and revision of parliament. It was because he was anxious that no imputations of a wish for paltry patronage should be cast on this measure, that he would at once state to the House, that appointments had been offered to Dr. Woolaston, Dr. Young, and captain Taylor.

Mr. *J. H. Smyth* felt great satisfaction at the disposition the House had shown to listen with interest, not to plans of destruction, not to the false glories of war, but to subjects calculated to promote the powers and happiness of man. He wished, however, to make some inquiries into the plan proposed, and he did not see how a lord of the admiralty should necessarily be a judge of scientific merit. When it was admitted, that every thing in this department had hitherto gone on so well, why was it necessary to make any alteration? He feared that the present plan might only have the effect of increasing patronage to no purpose.

A short conversation followed, in which Mr. Wilberforce, Mr. Forbes, and the chancellor of the exchequer participated, in the course of which Mr. Croker stated it to be intended to relieve the Nautical Almanack, which was only an almanack in name, from the almanack duty. Leave was given to bring in the bill.

HOUSE OF COMMONS.

Monday, March 9.

West Indies Indemnity Bill.] On the motion for the third reading of this Bill,

Mr. *Masterton Ure* said, he approved highly of this bill, which indemnified persons for a breach of the law, in admitting supplies of provisions into the West India islands in neutral vessels, and without which supplies they must have been exposed to all the horrors of starvation. He availed himself of this opportunity of directing the attention of the House to the unfortunate situation in which certain of the West India colonies were placed. He alluded to the Leeward islands, or old colonies. These were settled so far back as the year 1630, or about that time. They then enjoyed the monopoly of the trade with Great Britain, in consideration of which, at a subsequent time, they agreed to pay a duty of 4½ per cent on their stock to government, shipping their produce to England, and receiving their supplies from the mother country. In the progress of time their soil became impoverished, and they were obliged to convert their provision grounds into sugar plantations. Their dependence for a supply of provisions was on distant countries, on Great Britain, the British settlements in Canada, and the United States of America, but limited as to all, to be carried in British vessels. This has been the case since the close of the American war, when restrictions were laid on their intercourse with the United States. Of late years they have been exposed to greater inconvenience, from the difficulty of obtaining supplies from this country, in consequence of deficient crops. The same deficiency has existed in Canada, and the inhabitants of our settlements there have been obliged to obtain supplies from the United States. Such was the case last year, and although sir J. Sherbrooke, in his last speech to the legislative body, holds out a hope of their being a surplus produce this year, it by no means affords a reasonable ground for reliance on a supply of food to the population of the Leeward islands. The islands themselves produce little more than sufficient for the maintenance of a tenth part of their population. The old colonies are more unfavourably situated than any of the more recently settled islands, with a worse soil, and exposed to many other inconveniences in point of climate to which the latter are not subject. He called the attention of the House to these circumstances, in the hope that some remedy would be applied, and that they might be put on the same footing with the ceded colonies.

The bill was then read a third time and passed.

Indemnity Bill.] The *Attorney General* having moved the order of the day for the first reading of the Indemnity bill, began by observing, that, on the present occasion he trusted it might be thought better, that before the House went into any debate upon it, the bill should be printed, in order that every member might have an opportunity of perusing it before the third reading. On considering the events that had taken place in this country within the last thirteen or fourteen months, and the measures which parliament had found it necessary to adopt as also the proceedings in the House of Lords, he was certain that the more the contents of this bill was reflected on, the stronger would appear the justice and necessity of passing it. He wished to call the recollection of the House to previous proceedings of this nature, not for the purpose of saying, that because in former times indemnity bills had passed, that therefore the present bill ought to pass: but, in order to show the occasions on which such bills had been produced and sanctioned by both Houses. And he would point out to the recollection of the House, that though in certain circumstances, these bills had differed, yet the circumstances which called for the present bill, fell completely within the scope of those which justified similar bills on former occasions. It seemed, however, that some misconception had prevailed as to the facts which led to the passing of the former bills; for he believed it had been supposed by some gentleman, that the year 1801 was the first time that an Indemnity bill had passed subsequently to the suspension of the Habeas Corpus act. But it would be found, that in most instances in which the legislature had deemed it necessary to suspend the Habeas Corpus act—indeed in all instances he believed, excepting one, an indemnity bill had passed after the suspension of that act.

There had also been instances of Indemnity bills in cases where there had been no suspension of the Habeas Corpus act. The fact was, that with respect to both classes of bills, they had been passed at different times since the Revolution, according as the necessity of the times rendered them indispensable. But the same exigency that created the suspension of the Habeas Corpus act made it necessary that bills of Indemnity should be carried, for the protection of the guardians of the public tranquillity, as well as for the protection of those who had furnished them with information, on the authority of which they had found it necessary to take the steps that had been resorted to. If gentlemen would take the trouble to refer back to the time of the Revolution, they would find, that the persons who were the greatest supporters of that memorable proceeding, and the means of preserving the laws and liberties of the people of this country,—that these persons, immediately after passing the Bill of Rights, found it necessary to pass three several acts for the suspension of the Habeas Corpus act; and as they expired, there were passed Indemnity bills to protect the persons who had informed against and apprehended those guilty of conspiracies against the reigning monarch. At a subsequent period, an Indemnity bill was passed, which was not preceded by a suspension of the Habeas Corpus act. It was in the year 1714: the act was the 1st of George 1st, cap. 39, and it recited, that as several lords lieutenants and other officers had apprehended certain persons, who might have excited riots and disturbances, it was deemed necessary by parliament to indemnify them for their conduct in the preservation of the public peace. In the year 1744, the act for the suspension of the writ of Habeas Corpus was not immediately followed up by an Indemnity bill: but, in 1746 the Indemnity act was produced, to protect all persons in the situation of magistrates, &c. for their conduct in the preceding year: and for what they might have done subsequent to the expiration of that act. This, however, was not thought sufficient; for as that act only indemnified them to the 30th of April, and as the magistrates had been under the necessity of taking up several persons subsequent to that day, another act was passed indemnifying them for all actions done between the 30th of April and the 25th of July, 1746. Thus an Indemnity bill had, in all instances, followed the other. From that time till the year 1792, there was no suspension of the Habeas Corpus act; but there was an indemnity bill for the circumstances that took place in the year 1780, when the petitions presented to parliament on a subject then depending were accompanied by the most dangerous tumults; as the magistrates and others had acted on their own responsibility for the security of the public peace, at a time when it was absolutely necessary for them to interfere, and when it was difficult, if they had been prosecuted, to bring home the offence to the persons they had secured, so as to justify their apprehension.

From that time till the year 1801, he was not aware of any bill of this kind having been passed; but in that year there were two such acts, for indemnifying persons for having apprehended and detained individuals suspected of high treason, and for having been active in suppressing tumults and riots in Ireland. He merely mentioned this to show that our predecessors thought it necessary to indemnify public officers for apprehending persons who had assembled as auxiliaries for treasonable purposes. On all those occasions it must have been for the consideration of the House whether the exigencies of the times had been such as to justify those particular bills. Twice within the last year, and after the fullest discussion, parliament had thought it necessary for the peace of the country to suspend the Habeas Corpus act, and to give certain powers to the secretary of state and the privy council, for the purpose of detention. If the House would recollect the circumstances which had taken place within the last fourteen months, they must be convinced that it was absolutely necessary for those who were the guardians of the peace of the country, to take the steps they had done, and that they would have been guilty of a gross dereliction of their duty if they had acted otherwise. They were therefore fully entitled to the indemnity of parliament, in order that if any proceedings should be instituted against them in courts of law, they might not be under the necessity of disclosing the testimonies they had received, and thereby marking out those persons as objects of vengeance, or be put in the situation of violating the confidence reposed in them. Without such a protection, they would be put in the situation of sacrificing those persons, by making public their names, who had given information on condition that they should not be disclosed. It was impossible not to see that there had been conspiracies formed for the purpose of overthrowing the government of this kingdom in church and state as established by law. Plans had been formed by persons taking advantage of the distresses of the lower orders of the people, to get them to assemble under the false pretence of petitioning that House for a reform in parliament, while their real object, undisguised amongst themselves, was, to effect an entire revolution; so that at the very time they were speaking of reform, they had in view, nothing but destruction to all the admired and revered institutions of the country. The transactions that had taken place in February last year, and the December preceding, manifested the intention of getting together large numbers of people, for the purpose of persuading them to acts of insurrection and revolt. It therefore became the absolute duty of the magistracy to interfere, and they performed that duty in a manner highly creditable to themselves, and beneficial to the country.

And here he could not help observing, that amongst the intentions detailed to the committee of that House which was appointed last year, one scheme of those who were endeavouring to disturb the public peace, was the plan of coming to parliament with petitions signed by ten persons each; but in large bodies of several thousands, every tenth person having a petition in his hand. This was stated in February, and its truth was established by the attempt to carry the daring project into effect at Manchester in the following month. Who were the projectors or instigators of this bold scheme, he could not say; but it was a cool and deliberate plan of some persons who had studied every head and section of the law against tumultuous assemblies, in order to see if they could not be evaded: and there was no man but must be convinced, that instead of these being large assemblies of petitioners, their object was to have a sort of army, every ten men having a leader, and every hundred a centurion, that they might come to overawe parliament, not by petitioning, but by threats and terror. He would say, there never was a more mischievous or a more atrocious project than this was intended to be, if it had not been circumvented. Poor persons were persuaded to leave their labours, and to march without provisions, clothing, or any means of supporting nature, so that their very necessities must have led them to violate the laws as they proceeded, in order to prevent themselves from starving. It was therefore the imperative duty of the magistrates to stop them in all the parts through which they passed, as being unlawfully assembled, to the danger of the public peace. When the evils took place in the year 1780, the reproach against the guardians of the public peace was, that they had not done their duty, as the situation in which they stood called on them to stop those outrageous proceedings, instead of letting them go on till they burst into an explosion. What would have been said to the magistrates of those counties, if they had allowed the insurgents of last year to approach the doors of that House, or to meet in the metropolis, with their petitions amongst every ten men? Would it not have been said, that they had been guilty of a gross dereliction of their duty? The House also would recollect the proceedings that had taken place at Manchester, that information of these proceedings had been given upon oath, and that on this information the government had acted. The committee had reported last year on the state of the country, and the committee to whom the papers were lately referred had reported their opinions on its present state, all founded on the oaths of persons who had deposed to the circumstances that had taken place. Those facts must prove, that disturbances had occurred, and that it was absolutely necessary to proceed to the trials of the most active conspirators at Derby, by which step the insurrection was put down.

As he had spoken of the trials at Derby, he would add, that it was clearly proved, from the testimony of persons whom it was impossible to doubt, that this was the branch of a large conspiracy which was intended to extend to many parts of the country, and which was only prevented from taking full effect by the activity of the magistrates. The trials in question had fully satisfied him that a deep laid conspiracy had existed, and that it would have gone on and led to a universal explosion. What he meant to say was, that it would have been so far general as to have taken place wherever an assembly of misguided people had been collected. With respect to what had been said about Oliver, he would counteract an important impression that had been made on the public mind respecting his appearance at Derby during those trials. Oliver was not brought there to give his evidence; he was brought there for a very different purpose. He had no hesitation in saying, that he (the attorney general) had been the man who had caused him to be brought down, and he would state for what purpose. There was a man who had been at Derby, and said he had seen Oliver amongst the conspirators, and he was to appear as a witness, and was to have proved that the man he was speaking of was Oliver. Oliver was therefore sent for to Derby, not that he might be examined as a witness, but as an auxiliary, that those on their trials might have an opportunity of saying whether he was the man; but the jury was perfectly satisfied that he was not the man. This was the reason for Oliver being at Derby, and it was a good reason; not for the purpose of having any thing communicated by him, but that he might be confronted with persons who might have said that he was present at many of those meetings; and thus the base fraud used on that occasion would have been detected. He ought to apologise, as this was the first opportunity he had had of making the statement, and he did it for the purpose, that if any blame was to be attached for having Oliver at Derby, it might rest upon him. He believed, that Oliver had had no concern whatever in exciting or promoting the insurrections alluded to in Derbyshire and Nottinghamshire, or in producing tumultuous meetings or insurrectionary movements elsewhere. That there existed a spirit of insubordination and tumult in the country long before Oliver was employed to collect any information, or the Habeas Corpus act was suspended, it was now impossible to doubt, for the very terms in which the disaffected gave expression to their sentiments left no doubt of their designs. It had been proved that there had been an intention to bring about a revolution, and if there were such an intention, whether this conspiracy existed only amongst the lower orders or was secretly instigated by persons of a higher rank in society, was of no importance—it was the duty of government to prevent it from taking place.

It could not be denied that means were used to work upon the passions of the misguided people in the most atrocious way, and this was by an attempt to destroy their religious feelings. He would venture to say, that the tendency of the blasphemous publications that had been so widely disseminated, was to undermine and destroy all the principles of religion amongst the lower orders who had hitherto regarded them with reverence and veneration. There must be few persons who could not see that this was one of the objects of such publications; and when he heard it asserted that they had not had much circulation, and that persons who wanted to buy them out of curiosity could not obtain them, he was absolutely astonished. It was impossible to walk through the streets without seeing them at every shop-window. They were hawked about in the country and most industriously circulated. Wherever the municipal authorities interfered to prevent the sale of such works without a licence, they were actually distributed as gifts. Thus was the letter of the law evaded, and even the love of profit sacrificed to promote the currency of publications which had been productive of the worst effects in this country for the last twelvemonths. No man who knew what had been lately passing in this country could deny that this was a principal means by which the people had been corrupted. Was it not, then, necessary for those who were more peculiarly responsible for the guardianship of the public peace to interpose for the purpose of checking the progress of such a system? The government of the country, would indeed have been guilty of a dereliction of its duty, if it had not so interposed.

The question then for the House, in this instance, to consider, was, whether admitting the existence of a treasonable conspiracy, which indeed it was impossible consistently to deny, the measures taken to prevent the explosion, or defeat the objects of that conspiracy were, whether lawful, strictly speaking, or not, entitled to an indemnity. He meant, whether the seizure of papers or of arms, which might not be justifiable according to the letter of the law, were not, still, such acts as ought not to be subjected to prosecution or penalty, when done with a view to save the state from the dangers of insurrection and treason. If government were warranted in apprehending persons, they were also warranted in doing other acts. Now when, under the warrants that were issued for apprehending certain individuals, they also seized their papers, it appeared to him that they did right, for they thus prevented information from being conveyed to their coadjutors. Another part of this act was to indemnify persons for the seizure of arms. If there was no desire to stir up insurrection, then every thing that had been done in this way was wrong; but if otherwise, he would say, that those who searched for arms were bound to do so for the preservation of the tranquillity of the country. One of the petitions that had been laid on the table of that House—he believed it was that from Francis Ward—complained that some persons entered into his house at Nottingham, for the purpose of searching for arms, but none were found. This proceeding was, no doubt, strictly speaking, contrary to law; but he begged the House to consider the time and circumstances under which that search took place. It was, in fact, on the 10th of June, on the very morning that the Derby insurgents had advanced to meet those malcontents by whom they expected to be joined at Nottingham Forest. It was to be recollected also that it was one of the great objects of these insurgents to procure arms — that they eagerly sought for arms wherever they could hope to find them—that indeed their avowed wish was to collect a store, not only for their immediate followers, but for all those whom they could persuade or force to join them. Under such circumstances, then, was it not the obvious duty of the magistrates of Nottingham to search the house of every man whom they had reason to suspect of any connexion with the disaffected? He would say, they would have been most negligent of their duty, if they had not adopted the most vigorous measures to take away arms from every suspected person. In short, nothing whatever had been done that was not absolutely necessary for the preservation of the peace.

Then, surely, it was fit that those who had so properly and actively conducted themselves should be indemnified for their acts. If they were to have actions brought against them they would have no means of defending themselves but by disclosing the names of those who had given them information. To guard against such disclosure was one of the great objects of this bill, and that object was of the last consequence. For if the names of those from whom information was obtained by government under such circumstances were made known, the result would be that treason and conspiracy might hereafter go on with impunity; for if such disclosure were made, most persons would hereafter be afraid to give any information to government, lest they should be exposed to general censure or individual resentment; consequently such disclosure would operate as an encouragement to future conspiracy. There was a certain part of the report from the secret committee which he thought particularly entitled to the attention of parliament and the country, he meant that passage in which it was stated, that notwithstanding the success of the measures which had been taken to put down conspiracy and rebellion, it still required all the vigilance of government and the magistracy to maintain the tranquillity which had been restored. The spirit of insubordination, although repressed, was not extinct, but still proceeded under the pretence of reform, to seek for numerous meetings, which could have nothing in view but riot and revolution. In saying that persons acted under the pretence of reform, he begged it to be understood that he meant no reflection upon the character of reformers generally, for there were many of those gentlemen towards whom he felt the highest respect, although he differed from them in opinion. But his objection applied to such persons as those who, while they called themselves reformers, made use of the language of revolutionists; for what other character than that of revolutionists could be applicable to those who, in their meetings, asserted it as a right to approach that House with a petition in one hand and the sword in the other? This doctrine was preached at several of the meetings held by those who called themselves reformers; he meant those who petitioned for annual parliaments and universal suffrage; and in his view, those who sought such objects must be understood to seek revolution; for he maintained that such objects were incompatible with the existence of the British constitution, of which neither annually elected parliaments nor universal suffrage ever formed any part: nay, he was prepared to maintain that the establishment of such a system was inconsistent with the stability of any constitution whatever—that in fact, it could not last for one year in any country that desired the possession of a regular government.

After expressing his hope that he should stand excused for so long dwelling upon that passage of the report to which he had referred; he pressed upon the attention of the House that as the spirit of disaffection and tumult was not quelled, if the present bill were not adopted it would, being released from any check or control, again contrive to rear its head, and we should soon have to witness the repetition of such outrages as had within the last year, disturbed and degraded the counties of York and Nottingham. After animadverting upon the system of obtaining petitions for what was called reform from twenty persons, and thus splitting a petition, which might be signed by 5 or 10,000, into so many different petitions, with a view to give a factitious importance to such applications, he reverted to the precedents upon which the present measure was founded, and recapitulated the grounds upon which he thought this measure ought to be adopted. Adverting to the exertions of the magistrates of Manchester to prevent tumultuous meetings from proceeding to the metropolis, he appealed to the House how it would feel towards these magistrates, as well as towards the magistrates of the intervening counties, if such a meeting were allowed to approach and beset that House itself. If, then, it would have been deemed culpable on the part of those magistrates to allow such tumultuous meetings to proceed to what they called their destination in London, and if in the prevention of such an extraordinary proceeding measures had been taken not quite consonant to law, would that House allow the magistrates, who could not justify their conduct without revealing the information upon which they acted, to become liable to actions at law? Surely such a decision on the part of the House would be inconsistent with the principles of justice, and with the objects which occasioned an acquiescence in the Suspension of the Habeas Corpus act, for those objects were the preservation of the public peace, and the defeat of traitorous conspiracy; and any man who acted in the promotion of such objects was entitled to indemnity and protection against vexatious prosecutions. He therefore would submit that, from every consideration of necessity, propriety, and justice, the House was bound to pass the bill now proposed, and should move, "That the bill be now read a first time."

Mr. *Lambton* said, that it was not then his intention to enter into any discussion of the principles or details of the measure before the House, as other opportunities would offer for that discussion. But he would apply himself to the broad principle which had been little adverted to by the hon. and learned gentleman who spoke last, namely, the conduct of those ministers who had brought forward this measure of indemnity. Before any such measure was acceded to, he thought it indispensable to justice, to the character of the House, and to the satisfaction of the public mind, that a full, fair, and impartial investigation should take place as to the conduct of ministers for the last twelve months, in order to ascertain whether they deserved indemnity or impeachment. —The latter was, in his opinion, that which they deserved for the many arbitrary imprisonments, cruel inflictions and disgraceful acts which had taken place under their auspices, since the suspension of the Habeas Corpus act. Entertaining these sentiments he could not allow the bill to be read a first time without stating his sentiments, as after the first reading, the nature, extent, and provisions of the particular measure would justly form a chief part of the discussion, and prevent his entering, unfettered, into the more important view of the question to which he had alluded. They were at length come to the winding up of the disgraceful measures which had been adopted by ministers. They were called upon that night by the hon. and learned gentleman to throw an impenetrable veil over all the acts of tyranny and oppression that had been committed under the Suspension act. They were required to stifle the voice of just complaint—to disregard the numerous petitions that had been presented, arraigning the conduct of ministers, detailing acts of cruelty unparalleled in the annals of the Bastile, and demanding a full and open investigation into the truth of charges which regarded a topic over which that House ought always to watch with peculiar care—he meant the liberty of the subject.

He, however, was willing to afford ministers the fullest opportunity for explanation, before he called upon the House to decide upon acts of as great atrocity, and as hostile to the liberty of the subject as were ever paralleled in the history of any nation upon record. But to the measure of indemnity which ministers at present demanded, the House could not assent without becoming accomplices in the guilt which was imputed—which belonged to those ministers. The House had invested ministers with extraordinary powers—it had armed them with a sharp, deadly, and dangerous weapon, and it was peculiarly the duty of the House to inquire how these powers had been used—how that weapon had been applied. The noble secretary of state for the home department stood charged, in the petitions which had been presented, with sanctioning unnecessary cruelty, and the most unwarrantable severity; but in answer to this charge he observed, that the personal character of that noble lord was very ostentatiously put forward. To the private character of the noble lord a great deal of benevolence was attributed; that might be so, or might not be so—but he must say, that his public conduct bore no such stamp. But whatever might be the tender feeling of the noble lord, history had shown that such feelings on the part of individuals was no guarantee against inhumanity in the administration of power. We were told that the inquisitors of old were often in tears upon witnessing the agonies of those who were suffering under their decrees. Yet that expression of feeling neither exonerated them from the charge of cruelty in inflicting the punishment or alleviated the sufferings of those unfortunate victims. It was mockery, then, to talk of tenderness of feeling on the part of any man invested with arbitrary power, as any argument against the probability of despotism and injustice in the administration of that power. Great wisdom and firmness could alone guard against the abuse of a power which ought not to belong to—which was calculated to corrupt

—any human being;—and were ministers seriously disposed to ascribe wisdom and firmness to lord Sidmouth [Hear, hear!]? He was aware that the noble lord had been often praised of late by persons on the opposite side of the House, who, at other times, and not long since too, were forward to deny him any great or solid quality; nay, who were active in ridiculing his pretensions to any mental power. [Hear, hear!]. The inconsistency of such panegyrists of the noble lord as he alluded to, did not surprise him—but he would be much surprised indeed if that House should adopt the idea, that because lord Sidmouth had the reputation of sensibility, such cruelties as were detailed in the petions upon the table could not possibly have taken place.

But, to return to the subject of those acts of oppression to which he had before alluded, he would assert that their having come to the knowledge of that House, and remaining uncontradicted as they did, must take away from the majority who sanctioned the Suspension act, all power of confiding in future in the protestations and promises of ministers. The conduct of ministers during the last twelve months was, indeed, extraordinary. They had come down to that House armed with what he believed many members imagined to be even a sufficient justification for suspending the Habeas Corpus act—a green bag—they submitted its formidable contents to a committee of their own choosing. Upon which they themselves sat.—Thus uniting in their own persons the overweening functions of judges, jury and witnesses.—*They* drew out the bill of indictment against the people of England—*They* swore to the truth of the allegations —and *they* found the bill. Thus it was that they contrived to impose upon the judgment of that House, and to swindle the people out of their liberty, upon false pretences; for, upon such pretences, and by such means, did they reconcile parliament to the suspension of the Habeas Corpus act, and after that suspension was repealed, they pretended to institute an inquiry into their conduct during that suspension. But what was the character of that inquiry? Precisely similar to that by which they had obtained the suspension. Yet, upon such an inquiry and decision, they called on that House to vote their complete acquittal for a series of injustice and absurdity, such as never was attributable to any other set of men appointed to manage the government of this country. Twelve months ago, they pretended that treason and conspiracy threatening the subversion of the state, raged throughout the country; and what was the first procceding taken to prove the existence of that treason? Why, they preferred a charge of a design to overturn the government and constitution against a bankrupt apothecary and a starving cobler. He would not dwell upon the circumstanstances of that case, as they were so fresh in the memory of the House; but it must be known, that the preposterous character of the charge made such an impression upon the mind of the jury, as to produce their verdict of acquittal, in opposition to all the efforts of the Crown lawyers, seconded by the elaborate arguments and authoritative opinion of the judges, some of whom were obviously more anxious for the conviction of the prisoners than for the elucidation of truth, or the inforcement of justice. The fact was, that all the criminality charged upon the prisoners on this occasion, appeared to originate solely with the agents of government, who were adduced as witnesses against them, and such was evidently the impression of the jury by whom they were acquitted.

Now, as to the precedents quoted by the hon. and learned gentleman to justify this measure, he contended that they had no analogy whatever to the case under consideration. That the Habeas Corpus act had been before suspended, and that indemnities had followed was too true.—But never, he would tell the hon. and learned gentleman, on such slight, trivial or contemptible grounds. In 1689, the first period to which the hon. and learned gentleman had alluded, James 2nd, had endeavoured to recover the throne of Great Britain, from which, legitimate as he was, he had been hurled by the indignation of his people. He was backed by the most powerful and ambitious of the continental monarchs, and supported by a strong party in this country. Even then formidable as was the danger, and great as was the party in array against the right so beneficially exercised of deposing a sovereign when entertaining designs hostile to the liberties of his subjects, even then the measure was denounced in parliament as an infringement on the constitution, and the existing laws declared capable of ensuring the safety of the government.—In 1745, the next of the learned gentleman's precedents the same danger existed. The pretender was in arms against the dynasty in whom the succession to the throne had been secured by the Revolution of 1688. He was connected with a party in both Houses conspicuous for their rank, talents, and influence—and under their protection and assistance he penetrated into the centre of England. Still, with all these justificatory reasons for the adoption of the measure, it was not passed even then without the strongest protests and remonstrances against the unconstitutional nature of its powers. But in those days Englishmen were more tenacious of their liberties than unfortunately they appeared to be of in later years, and new eras. It was only of late it became an expedient on the part of ministers to suspend the Habeas Corpus act, in order to prop their tottering power, to secure their jobs and their places, and to gag the mouths of the people. [Hear, hear!]. The first cry of alarm was raised at the moment when there was a loud cry for economy in the country. Every where the demand for retrenchment and reform was heard, accompanied by reproaches upon ministerial profusion and extravagance. Ministers saw the danger to which they were exposed, and the difficulty of defending themselves. For they could not comply with the wishes of the people without risking their power. Their system could not be maintained, if they attended to economy, for that would alienate the majority of their adherents. Therefore they adopted the policy of Robespierre; who, whenever he found the security of his faction endangered, or the continuance of his diabolical power menaced, announced the existence of plots and conspiracies which he himself had fabricated, for the purpose of entrapping and destroying those whose characters and actions were adverse to his tyranny. In one respect however the ministers had abandoned his example.—He had attacked the great and powerful.—They had descended to search for treason into the dwellings of the starving manufacturer and distressed labourer.—They found them murmuring at the weight of insupportable taxation, destitute of employment, and obtaining the scanty and miserable pittance by which they barely supported themselves and their families from the hand of charity. Every where they discovered the existence of poverty, misery, and starvation. That celebrated English spirit which once preferred seeking the means of subsistence, however humble, through its own honourable exertions was found by them bowed to the ground and overwhelmed by despair and oppression, submitting contentedly to the degradation of parochial relief. Most men would have felt remorse at the sight of a country so reduced, a people suffering the utmost privations, but still loyal in their attachment, and looking up to that House for redress of all their wrongs. But our ministers endeavoured to derive personal advantage from the sufferings of the people. They thought they could work upon their distresses until they had formed the spark of discontent into the flame of rebellion.—And they succeeded.—For they dispatched their emissary, Oliver, on his infamous mission. Thus the resource of ministers for meeting all the distresses and complaints of the country was, to send forth Oliver, in order to excite disturbances, and thereby to justify acts of tyranny on the part of the government. This arch spy hurried along from county to county, proclaiming "Physical Force" as his watchword, displaying the standard of rebellion, and exciting riot and insurrection. Wherever his steps could be traced, (and they were traced with equal care and accuracy) he was found urging the people to acts of rapine and violence instigating them to open rebellion, and leading them on to that object through deeds of robbery and even of murder. And the House would remark that from the day on which his mission ceased—when he had left the presence of those whom he had deluded, when by the assistance of high military authority, he had escaped from the hands of those, who, unknowing of the nature of his actions, had taken him up as the chief traitor, that instant order and tranquillity were restored. He was found at length returning to render an account of his perils and his success. He could have rendered his account in the words which a great poet ascribes to a personage, the base and more malignant parts of whose character Mr. Oliver strikingly resembled. This spy appeared.

At last, as from a cloud,———
——— ———loud was the acclaim:
Forth rush'd in haste the great consulting peers,
Rais'd from their dark divan, and with like joy
Congratulant approach'd him; who, with hand
Silence, and with these words attention, won,
——— ——— ———Long were to tell
What I have done, what suffered; with what pain
Voyag'd the unreal, vast, unbounded deep
Of horrible confusion: over which,
By *Sin* and *Death*, a broad way now is pav'd
To expedite *your* glorious march.

In consequence of this spy's success, Brandreth, and some of his associates, were publicly tried, and beheaded on the scaffold as traitors. Why was not the instigator, in whose hands Brandreth was but the mere instrument, tried? Why was not this blood-stained villain put upon his trial at the imperious call of justice and of the country? When the mere instruments of his designs, and the victims of delusion were pursued to death, why was Oliver left at large? If, by the laws of England, all connected with a transaction involving murder, are guilty of murder, how came no charge to be laid against the contriver and instigator of the transactions which had naturally led, to the commission of that crime? [Hear, hear!]

But, if the voice of justice and of the country called for the punishment of Oliver, equally did it call for the disgrace impeachment, and punishment of those who sent him on his base mission—who gave him such full powers as enabled him to instigate his fellow-subjects one against the other—to proclaim to them the virtue and necessity of disaffection, and by which he alienated their minds from their constitution and their king.—Those men were the ministers of the Crown.—In their councils originated the plan of sending spies among the people—from their cabinet issued Oliver as their champion. Yet those men now came down for an act of indemnity, requiring the House to screen the perpetrators of all those dark atrocities. The hon. and learned gentleman had said, that indemnity was not sought for so much to protect ministers as those who gave information. This was a fallacious representation; but if it were true, he would maintain that ministers were not warranted to call for such an indemnity, nor could parliament, consistently with a due regard to its fame and honour, grant them that act.—Who were their informers? Were they gentlemen of character, whose credibility justified in some measure such confidence as the House was called upon to place in their information? No, they were the blood-thirsty spies, who were sent forth by ministers, and who created all the evils that had disturbed the country. [Hear, hear!] There was one fact now come to light, respecting one of those spies, in addition to what had formerly been detected, which called for the utmost attention. The fact was stated in a daily paper, whose high respectability would be authority enough for him if he possessed no other evidence. But he had other authority. He was authorised, if necessary, to produce the name of the gentleman who would prove all the circumstances at their bar. This gentleman stated, that on the day of opening the session last year, before the Prince Regent returned from the House of Peers he met Oliver at the Horse-guards and heard him inveighing in such loud and seditious terms against the Prince Regent as to collect a crowd about him. The individual whose name he could produce, and who was ready to confirm his statement on oath, remonstrated with Oliver in vain. The consequence was, the outrage on the person of the prince, and the suspension of the Habeas Corpus. [Hear, hear!] Thus it appeared that all the evils which had afflicted the country for the last twelve months, and led to the suspension of the Habeas Corpus act, with its melancholy consequences, originated mainly with the malignant ingenuity and active turpitude of a man whom ministers had specially employed and whom they still continued to praise and to patronise. [Hear, hear!] Would that House, then, consent to grant an act of indemnity to such ministers—to cover such iniquitous and disgraceful proceedings as they had originated with complete impunity? He should indeed lament if such were the result of that night's proceedings. For himself, he never would consent to such a measure. He confessed that on no occasion had he felt more anxious to state his sentiments—not with the hope of influencing the decision of that House; for of that constituted, as it was, he must utterly despair, unless he were possessed of those means of influence which rendered ministerial arguments so convincing and irresistible—but with the view of justifying himself in the eyes of his constituents, before whose bar he must shortly appear—of enabling him to render up unsullied the trust committed to his care—and with the view of conscientiously discharging that duty to his country which imperiously called upon him to oppose any indemnity for proceedings so flagrantly unjustifiable. Not only was his own private opinion against the bill; not only was it his most solemn, conscientious, and decided conviction, that ministers and their agents ought not to be indemnified; but, in the name of the county which he represented, where the people had not altogether lost the right of election; in their name he called for a full, fair, and impartial inquiry into the abuses practised during the suspension of the Habeas Corpus. He did not say so in hopes of influencing the House, but he would say on his conscience, that the House was bound in duty to the people of England to support him, when he moved as an amendment, "That the Bill be read a first time that day six months." [Loud and continued cheering.]

The Speaker having put the question, and no one appearing disposed to rise on the Treasury bench,

Sir *M. W. Ridley* expressed his surprise that no member of his majesty's administration had thought it his duty to attempt some reply to the able speech of his hon. friend. [A cry of Hear! from the ministerial side of the House.] Perhaps that cheer intimated that he had prevented somebody from doing so, by prematurely offering himself. If so, he was quite ready to wait, and would postpone his pretensions to address the House.—The hon. baronet accordingly sat down, and the Speaker read the question a second time, when a long pause ensued.

Sir *M. W. Ridley* again rose. He said he presumed he was to attribute the silence of the gentlemen opposite to a consciousness of the justice of their cause, although he was at a loss to conjecture the grounds on which that consciousness could be founded. He had risen principally for the purpose of making a few observations on some of the precedents adduced by the hon. and learned gentleman in support of the proposed bill, although he was aware that it was great presumption in him to follow that hon. and learned gentleman in argument. The hon. and learned gentleman had dwelt much on the precedent of 1689. Now in that act there was no parallel to this, nor were the circumstances of those times at all similar to the present. The House were well aware of the events which called for the act of indemnity of 1689. The legitimate sovereign had been expelled from the throne, and another prince had been chosen in his place. Many of the most powerful families in the kingdom were attached to the abdicated king, and the battle of Athlone had been fought in 1689, in hopes of recovering the throne for him. The militia of the country were in those circumstances called out, which was contrary to an act passed in the reign of Charles 2nd. This required an act of indemnity. The preamble of that act completely distinguished it from the act now proposed. It set forth, as the reasons for calling for indemnity, that they had seized persons suspected, contrary to acts then in existence, and from the legal consequences of these measures it was just that they should have protection. The present, however, were times of comparative peace and safety. The next precedent adverted to by the hon. and learned gentleman was that of 1692. At that period, however, an invasion had actually taken place, which was defeated only by the battle of La Hogue; and in the indemnity act which then passed the particular circumstances which required the adoption of such a measure were distinctly specified. What was there in this case of authority as a precedent for the proposed bill? The next of the hon. and learned gentleman's precedents was that of 1715. At that period there was a dangerous rebellion in the country, headed, not by persons of inferior condition, but by the first noblemen in the land, pervading all the northern part of the kingdom, and ending with the execution of the earl of Drinkwater. In order to stop this evil the government of that day took some measures, not strictly legal, to indemnify them for which the legislature passed an act. Yet indemnity had not been then required for those who had advised and planned measures, but for the magistrates who, in consequence of proceedings in their districts, had felt themselves bound to assume extraordinary powers. How different, therefore, was that case from the present! In 1746, also, an act of indemnity was passed, but it was expressly limited to the acts performed by government during the period of the rebellion in 1745. Was there in this any parallel to the present case? Nothing could be more dissimilar. The indemnity act of 1780 related solely to the acts of the magistrates, in putting down the riots of that time. It was true, that in the same year the Habeas Corpus was suspended, but it was only with reference to our North American colonies. In 1801, then, was the only precedent to be found for this measure. Of this precedent it might be sufficient to say, that it was the act of the same ministers who now called for this act; that it was a precedent created by those who had been but too ready to imitate it. But in the circumstances of danger, in the prevalence of alarm, in the characters suspected, in every point in which they could be compared, the precedent of 1801 was widely different from the act proposed.

In the brief retrospect which he had taken, he flattered himself, therefore, he had proved that none of the precedents quoted by the honourable and learned gentleman, were in their circumstances at all applicable to the case under the consideration of the House. So much for the general necessity of the bill itself. If there were any one part of it, which he should be inclined to pronounce upon as more objectionable than any other, it would be the period to which it referred. The operation of the bill was to go back to the 26th of January, 1817. Now even if it were expedient that an act of indemnity should, under the existing circumstances, be called for by government, at least it would be more consistent with the character of those circumstances, that its operation should be co-existent with that of the suspension of the Habeas Corpus, in which its necessity was presumed to originate. Instead of which it was antecedently dated; going back to a period respecting which parliament knew nothing, no investigation into it having been instituted.—Whatever individual, therefore, might have suffered any illegality, even before the suspension of the Habeas Corpus up to the period he had mentioned (the 26th January, 1817), was to be prevented from obtaining any redress. Thus it was, that step by step, that which was originally just authority, proceeded until it terminated in despotism. The indemnity act of 1801 went farther than any preceding measure of a similar nature, and the present indemnity bill went farther even than that.—He begged now to call the attention of the House to the list on the table of the individuals who had been committed under the act for the suspension of the Habeas Corpus; and which he supposed the gentlemen opposite relied upon as a justification of that suspension. There were, it seemed, ninety-six persons arrested altogether by warrants from the secretary of state, from the privy council, and from the magistrates in the disturbed district. Of those ninety-six persons, fifty-one had been arrested on the warrant of the secretary of state; four on the warrant of the privy council; and the remainder on the warrant of the magistrates. Not one of those arrested on the warrant of the secretary of state had been brought to trial. The four arrested on the warrant of the privy council, were brought to trial and acquitted. All those arrested on the warrant of the secretary of state had been discharged, some on their recognizances, and some without. He should perhaps be told that this was a proof of the mild and lenient manner in which government had exercised the powers that had been entrusted to them. On the contrary, he would rather say that it was a proof of the frivolity of the pretences on which they had called for the suspension of the Habeas Corpus. It was criminal on their part to cause the arrest of so many persons on charges of high treason against which there were no stronger grounds for farther proceeding. In fact, it was impossible not to be convinced, from the mean and contemptible situations of life in which the individuals who had been arrested were placed, that it was impossible they could be engaged in any serious revolutionary project. He by no means meant to say, that no attention ought to be paid to any mischievous designs, because those connected with them were in the lower walks of life. But when the disaffected were composed of bricklayers, carpenters, tailors, coblers, pamphlet-sellers, and such persons, it was evident that the danger could not have been such as to warrant placing in the hands of the executive government the extraordinary powers conferred by the suspension of the Habeas Corpus. Let it also be remembered, that it was not in times of peace and tranquillity that the benefits of the Habeas Corpus were most sensibly felt. It was only in periods of tumult and disaffection, when the arm of power was stretched forth with a despotic energy, that the subject found his liberties and his privileges protected by this inestimable shield. He trusted, therefore, that the House would refuse to sanction the bill, the first reading of which had been moved by the hon. and learned gentleman, unless a strong case could be made to appear in justification of ministers in the course which they had adopted.

Mr. *Protheroe*, adverting to the observations made by the hon. and learned gentleman who had opened the present debate on the petitions which had been presented for annual parliaments, and universal suffrage, remarked, that while he agreed with the hon. and learned gentleman that revolution and anarchy would be the inevitable consequences of complying with the wishes of the petitioners, he thought it believe that a single action would be brought, though the bill of indemnity were never again to be heard of. But supposing twenty or thirty actions were instituted, what mighty harm could they occasion? In times of danger and disturbance, the disclosures which they would elicit might be prejudicial; but it was impossible they should be so in the present times, than which none could be more tranquil or free from apprehension. When had evils resulted from similar disclosures? In 1813, for instance, it was thought necessary to make the sanguinary example of executing seventeen persons at York. The parties who prosecuted lived ever afterwards in perfect tranquillity, without any especial protection. On the subject of informers and spies, both sides of the House had, perhaps, spoken with too little deliberation. So abhorrent were such agents to the temper and genius of our constitution, that their employment, in ordinary times, could not be sufficiently reprobated. But emergencies could easily be imagined, when there was not a man in that House who would not implore the secretary of state to make use of such means for the detection of treason. It was only, however, when there was but a choice of evils that their employment could be reconciled to the mild and free spirit of our constitution. Of them it might be said, as it had been said of ghosts by Dr. Johnson, " all reasoning is against them, but all experience is for them." Briefly adverting to the precedents which had been adduced by the hon. and learned gentleman on the other side, he observed that there was but one at all applicable to the present case. The acts of indemnity of 1692, 1716, and 1746, were all passed in consequence of open rebellions, and in favour of transactions that took place when the country was *in flagrante bello civili*, and it was absurd, therefore, to maintain that they afforded any justification of the measure before the House. And with respect to the precedent of 1801, the circumstances of that period were very different from those of the present. In 1801, the country had been eight years at war; an internal faction was in active correspondence with a foreign enemy; and the doctrines of equality had signally triumphed in an important portion of the continent. In fact, there was but one point of resemblance between the two periods — the Habeas Corpus had been suspended in both. It was a melancholy reflection that the victory of Waterloo, the success of our allies, and the recurrence to the old principles of legitimate government had produced, under the existing administration of Great Britain, the same suspension of the Habeas Corpus that Mr. Pitt felt himself compelled to resort to, after long war, with a desperate faction consuming the vitals of the country, with our allies defeated, and with the destructive principles of the French revolution triumphant.—Whatever might be the fate of our constitution —to whatever destiny it might be reserved —whether it was to fall by sap or by assault—whether it was to surrender at discretion to the open attack of major Cartwright at the head of the apostles of reform, or (which appeared more probable) to be gradually undermined by the corruption of government and the servility of that House—whether it was to be scared into despotism by the apprehension of the crimes and horrors of which Jacobinism had shown itself to be so fruitful, or urged into revolution by the obstinate perseverance of a weak administration in measures of alternate violence and imbecility—still it was the duty of every Englishman, whose breast glowed with the fire of genuine patriotism, to watch its convulsive struggles; and at least to endeavour to retard the consummation of that calamity which it might not be possible for him eventually to avert. It was with the strong impression of this feeling that he intreated the House to pause before they acquiesced in the measure now proposed to them. They had not the excuse to plead, that they were legislating in the dark, for they were in full possession of all the occurrences of last year to aid their judgment in the decision.—The hon. gentleman concluded by taking a short retrospective view of the disturbances that had occurred last year. In Scotland, respecting the state of which a learned lord had attempted to excite so powerful an alarm, no act whatever of insurrection had occurred. By the blanketeers no violence had been perpetrated. In Derbyshire and Nottinghamshire, where the disgraceful system of Luddism had been so long allowed to flourish, and where, therefore, the people were prepared for crime, about two hundred persons assembled, and after committing some serious outrages, and a detestable murder, dispersed near Nottingham without farther danger to the state, on the first appearance of a military force, and indeed exhibited so little principle of coherence, that a magistrate of that district, with a single dragoon, pursued and arrested thirty or forty of them. In Yorkshire, he knew of his own knowledge, and there was not a magistrate who would not say, that the danger was much greater, that there was much more of local outrage, much more of disposition to break the peace, in 1812, when nobody thought of suspending the Habeas Corpus. Much better would it be that the costs and damages of any actions that might be brought for recent excesses of authority, should be paid out of the secret service fund, than that the people should be deprived of their just and hereditary rights. Thinking, therefore, as he did, that the grounds on which the present bill was proposed had not been satisfactorily established, he was the more averse to its passing into a law, on account of the precedent which it would set to future times. He was confident that the present bill would never have been required of the House, but for the bill of 1801; and there was therefore great reason to apprehend that, some few years hence, a bill of a similar description might be justified by a reference to the present. The necessary consequence of passing such measures must be to lessen the respect of the people at large for the laws, by showing them, that those laws did not always distribute a common measure of justice, and afford redress for injuries to all men indifferently.

Mr. *Brand* said, that on a question of such high constitutional importance, he should feel regret in giving a silent vote, particularly as it was probable that from circumstances, he should not be able to avail himself of the opportunity of discussing the measure in its future stages. If he wanted additional reasons for his strong opposition to any farther proceeding with this bill, he found them in the speech of the hon. and learned gentleman who submitted it that night to the consideration of the House. When that hon. and learned gentleman laid such stress upon the precedents on which he grounded his proposition, he begged the House to pause, before it added another, and on such comparatively weak reasons, to that number. In his opinion, those precedents were not applicable to the circumstances of the present time; but as that part of the subject had been so ably argued by his hon. friend near him, and as another noble friend of his had thrown down the gauntlet on that subject, it would be unnecessary for him to enter into any observations in regard to them. The House would, however, feel that this was the first time in a period of profound peace, when no danger from abroad menaced our security, that the ministers of the Crown had ever called for the suspension of the Habeas Corpus act. He never could consider the recurrence to such a measure as the suspension, under such circumstances, as justifiable. But if the suspension of that law was unadvised, under what pretext could ministers now claim a bill of Indemnity? Should that claim be sanctioned, he feared the House and the country must prepare themselves for frequent renewals of those violations of the rights of the subject. He much feared that, if now adopted, it would be hereafter frequently resorted to; there being unfortunately, a feeling of disrespect in the people's minds towards that House, which was fostered by the inattention with which the House treated the petitions of those whom they represented. So long as these unconstitutional practices were adopted, the same irritation and discontent would continue to prevail, and a similar pretence often present itself for suspending the rights of individuals. Whilst such a state of circumstances existed, there never would be wanting pretexts and occasions to stifle the public voice on the reports of committees nominated by ministers to judge of their own acts. If he could be persuaded that the powers bestowed by the Suspension act had been mildly exercised, he should not be disposed to withhold his assent from the present measure; but he could derive no satisfaction from the reports of committees nominated by ministers themselves. He was not convinced—as the House ought to be before they passed a law of this nature—that the proceedings under the act were justifiable, as well as the mode subsequently pursued of securing themselves against the consequences of them. The bill under consideration indemnified, or rather protected, not only the secretary of state, but all magistrates and gaolers, for every thing done by virtue of the suspension of the Habeas Corpus. The proper description of the bill appeared to him to be, a bill for depriving the people of England of the benefits of law. He concurred with his hon. friend who spoke last, that it would be better to pay such damages as might be recovered, out of the secret service money, than to preclude the people from all legal redress. Such enactments were unknown to the old law of the country, and he still trusted that a provision would be introduced to enable the individuals in question to obtain some compensation. He did not think ministers had cleared themselves from the suspicion of having abused the powers intrusted to them, nor could public opinion be satisfied with the reports of committees so constituted as those were upon whose authority this measure was founded. He had no parliamentary information to warrant him in excluding from their legal, hereditary rights, any portion of the people of England. The bill appeared to him to be one not of indemnity but of injustice; and, viewed as a measure for taking away the liberties of the people, ought to be rejected by those who professed to represent them.

Mr. *Marryat* observed, that he had voted against the Suspension act, and he looked back with considerable satisfaction to this vote, which he thought every subsequent event had tended to justify. Every person who had since been convicted, had been convicted in the ordinary course of the law. The question now, however, was, whether ministers had abused the powers with which they were invested, or whether they had acted upon them with discretion and moderation? He thought that the government had demanded those powers from a conviction in their minds of the necessity of the case; and while he took credit to himself for the vote which he had given, he was equally bound and willing to give credit to those who had proposed the introduction of that measure. From what he had heard, he could find no ground whatever to charge his majesty's ministers with any abuse of authority, and therefore he saw no cause to induce him to withhold from them an act of indemnity. For these reasons, although he had voted against the suspension of the Habeas Corpus act, he should now vote for the bill of Indemnity.

Lord *Althorp* said, that his view of the case was very different from that of the hon. and learned gentleman. The only ground, in his opinion, on which the ministers could claim a bill of Indemnity was, that they had exercised powers which were not made legal by the legislature. He could see no reason for indemnity, if ministers acted in the spirit and within the limit of the law. There could be no reason in asking for such a measure, unless from the consciousness of their powers having been abused. Why did not ministers call for powers commensurate with the nature of the evil, when they applied to parliament last session? If the provisions of the suspension law were too limited, why did they not get a parliamentary sanction to extend them? It was material too, to remark, that, in the preamble of this bill, there was one distinction which did not occur in any former measure of this description, except in the bill of 1801, namely, the recital as to the disclosure of evidence; and in the year 1801, it was introduced and passed on account of the actual state of the country. But it was impossible to believe that, in every one of the cases of the persons who had been arrested, it would be dangerous to disclose the grounds on which he was apprehended. Whatever some gentlemen might think of this question, he should always maintain, that the House had no right to deprive an Englishman of his legal remedy, unless a very strong case was made out. They would not be justified on any other grounds in acceding to this bill. His view of the case was this—that the acts of his majesty's ministers, which were done illegally, ought to be inquired into. The Commons of England were bound to institute an inquiry not only to satisfy themselves, but also to convince the country; and such an inquiry should be conducted in a very different manner from any that had yet been instituted.

Mr. *Fremantle* said:—Although I do not think the arguments already advanced against this bill have had great force, yet I am anxious to take this opportunity of offering my public opinion in favour of it. I am anxious to do so, to preserve my own consistency, to maintain the character and dignity of the House of Commons, and to do justice to those who have executed the powers entrusted to them by the legislature in the course of the last session of parliament:—when I say that the arguments do not appear to me to have great weight, I mean, Sir, to apply that observation as in reference to the bill now before the House; for I cannot but think that all arguments relating to the dangers which existed at the time the legislature thought proper to adopt those measures for the preservation of the public tranquillity, were fair and legitimate arguments against the suspension of the Habeas Corpus act, and against the measures which followed it, but do not apply to the question now before us of the Indemnity bill. I think, Sir, I might admit the whole of the argument founded on the disbelief of all danger;—I might admit that parliament was deceived; that the legislature acted under false information, that the whole of our proceedings were founded in error, and yet it would not disparage the question now before us; for, if the government has acted upon our authority, and has not abused the power entrusted to it, if we are satisfied the measures pursued have not been detrimental to the state, but have been carried on with moderation, with temper, and with firmness, we are called upon, in justice to ourselves and to those who have acted in the government, to pass this bill, and it is on the ground of consistency, and of maintaining my opinions on these great and momentous proceedings, that I shall give it my support; but, Sir, though I have said that I might admit the fact of these dangers having been unfounded, without prejudice to this bill, yet in consistency with my former opinion, I still maintain the full extent of them, and every circumstance which has occurred since the suspension bill was passed. Every event that has taken place subsequent to the report of the first secret committee of this House, has justified and confirmed the opinions that were then entertained of the danger of the country.

I hardly think it necessary now to refer to what passed previous to the measures adopted by this House in the last session of parliament, but I must advert to the opinion which was then given by a gentleman of whose character and abilities no man can speak too highly,—I mean the late Mr. Ponsonby, whose memory I hold in the highest veneration. It must be remembered, that he professed his disbelief in the extent of that danger with which the country was menaced; but when he came out of the committee of which he was a member, he was perfectly convinced that the danger had not been exaggerated. Mr. Ponsonby undoubtedly differed with the majority of the House, as to the measures proposed to be adopted to meet those dangers; but he admitted the existence of them, and he moreover said, that had he been a member of the cabinet, he should have felt it his duty to have recommended the measures which the government had adopted in laying the papers before the House, and making the communications under which the committee had been formed. Thus then, Sir, I say, if I erred in my opinion with regard to the danger which existed previous to the measures which were adopted by parliament, I erred in common with Mr. Ponsonby, whose honourable and manly conduct on all occasions will not be questioned by the hon. gentlemen who still continue to disbelieve and deny the danger.

But, Sir, let us also look to what has subsequently passed, to the events which have arisen since the suspension of the Habeas Corpus act. Can any man look to the trials at Derby, and not feel that the proceedings in that part of the kingdom were of the most treasonable and dangerous description? Is there a magistrate, or a respectable inhabitant of that neighbourhood, who does not believe it to have been a deep laid conspiracy for subverting the constitution of these realms? I would ask the noble lord, the member for the county of Derby, who, I am told, was foreman of the grand jury who found the bills against these wretched men, whether there was a doubt in the breast of any one man composing the grand jury, or in his own, of the treasonable intent? The object of these insurrections was, not to procure employment, nor to find relief from the pressure then existing from the low state of trade in the manufacturing districts, but distinctly and exclusively for the purpose of overthrowing all the great establishments of the country. The convictions which took place have unquestionably proved this fact, and it is therefore absurd to talk of a conspiracy not having existed. The conspiracy not only existed in these counties, but was carried on, by communication and correspondence with the disaffected in the metropolis.

With regard to what fell from the hon. gentleman who opened this debate, I think he has dealt much in general declamation not new on this occasion.—He has told us that the people have been swindled out of their liberties by the government. Sir, if the people have been so swindled, it is not the government but the legislature who have been guilty of so foul a transaction. But to those who contemplate this subject with less prejudice, and to the people of England, I think it will appear, that the legislature acted upon the coolest and most deliberate judgment; that its proceedings were marked by the soundest wisdom; and that the people owe to those proceedings, not the loss of their liberties, but the retention of that peace and tranquillity, and the enjoyment of those blessings under which they live.—Another hon. gentleman has stated, among other arguments against this bill, that the persons who have been apprehended, are of such notorious bad character, that no indemnity is neçessary against charges preferred by such men. This argument proves, undoubtedly, that government did not abuse its power by apprehending those individuals; but it is no argument against awarding that justice which is due from this House for the moderation of its proceedings.—It has also been urged by another hon. gentleman, but I can hardly believe he was serious in the proposition, or that I distinctly heard him, that he disapproved of this bill because it shut the door against all future inquiry into the truth of those charges which had been prepared against the government for the abuse of its power, that "it might be wise and proper not to give up the authorities under which the information had been procured, but he thought that object might be attained by the ministers so charged suffering judgment to go by default, and if damages were awarded, to pay those damages from the revenues of the Crown." I must repeat, that I cannot believe this proposition to have been serious; it appears to be so preposterous, and so contrary to wisdom, economy, and justice.

In adverting, Sir, to the other arguments which have been advanced against this bill, there is one charge which, if made out, would undoubtedly place the government in the most degraded state, namely, the having employed spies, not alone to gain information, but for the purpose of instigating to the crime of treason. If this were true, there is no punishment too severe, there can be no condemnation too heavy for such an atrocious proceeding. What does the charge rest upon? The worst description of evidence, namely, the petitioners implicated in the crime, and a general statement by 26 persons calling themselves the respectable inhabitants of Manchester, denied by all the principal and opulent and respectable inhabitants of that place and its vicinity. Sir, we have the strongest evidence to disprove this fact in the proceedings which occurred at Derby. Is it possible to conceive, that the counsel who so ably defended the prisoners on their trials, would not have brought forward evidence to substantiate this fact, had it been possible? Would any jury have convicted, if the fact had appeared? Would the grand jury have found the bills? But, Sir, it is impossible to believe that persons in the situation of ministers of this country, could have been so wanting to all character, so lost to all principles of morality, as to have committed themselves in such a manner. They would be considered worse than those desperate and horrible monsters, who, for the sake of blood-money, encourage to the commission of crime. Here it must have been an encouragement to crime of the most extensive and bloody nature, merely to establish the truth of their opinions, that their declaration of treason and danger to the state was well-founded and borne out by the result.

With regard to the conduct of the government in the execution of that sacred and serious trust reposed in them by the suspension of the Habeas Corpus act, let us review the transactions. It appears that 46 persons have been apprehended, of which only 23 have been brought to trial, and pleaded guilty. Considering the state of the metropolis, which we had witnessed by the attempt made at the Spa-field's meeting, and the disposition manifested afterwards, looking to the proofs we had of conspiracy at Manchester, Nottingham, Derby, and spreading into Yorkshire, I, for one, cannot but be astonished at the few in numbers who were apprehended under the warrants of the secretary of state. If we are to give credit to the report of your committee, the proceedings on this subject seems to have been marked by every disposition to moderation and forbearance, and every principle of humanity and kindness. With regard to the other persons who have been detained on suspicion of treason, many of whom have petitioned this House, in no instance has it appeared that they were not fully connected, and participators in these dangerous conspiracies. They have been proved to be men of most abandoned characters, instigating and promoting sedition and seditious meetings. These men, in their petitions, have complained of injustice and severity of treatment: they have asserted their innocence; but their complaints and assertions have never been borne out. Whenever the petitions have been discussed, the misstatements and falsehoods have been invariably proved; and I cannot but think that the executive power have the strongest evidence in support of these apprehensions, when it is expressly stated by your committee, that no individual whatever has been apprehended and imprisoned, but upon information given on oath, and in no instance on the oath of Mr. Oliver, or the persons employed as spies and informers. This fact alone, I must think, in the opinion of all those who are not greatly prejudiced on this subject, falsifies those statements and aggravated and inflamed charges which have been made against the government. No one can detest the character of an informer more than I do; but, Sir, must we shut our eyes and ears against all information derived in this way? I challenge any gentleman in this House, be his politics what they may; be his principles monarchical or republican, to deny the necessity under circumstances of resorting to such evidence. It is the bounden duty of a minister to profit by such information, to destroy the combinations of treason to the state. You cannot look back to your State Trials without seeing innumerable instances of the disclosure and destruction of treasonable conspiracies by the means of informers and spies. In this country, thank God, these means are less resorted to than in other countries; but I defy a government to be carried on in the execution to discharge its duty without recourse to such evidence. Why, then, I put it Sir, to the fair, unprejudiced, honourable feelings of the House to say, whether the government, and those whom they have employed for the suppression of the dangers which existed, merit that security which this bill provides.—Let us review the progress of these proceedings which appear to me to have been fair, open, and manly on the part of the government. First, information is laid before the House of dangerous and treasonable conspiracies existing; papers are brought down; a committee is formed, which in its report, confirms the danger; and the legislature thereon suspends the Habeas Corpus act; parliament is prorogued, and the government, during the recess, exercise the powers vested in it in a manner to restore the country to a state of tranquillity. When parliament again assembles, it is instantly recommended by the executive power to restore the suspended liberties of the country by a restriction of the Habeas Corpus act, and papers are again brought down to the Houses of parliament, communicating the grounds of all proceedings which have taken place since the former session closed; a second committee reports on these proceedings, with which the House and the country is satisfied; and now it is proposed to indemnify government against all prosecutions, or penalties arising from these proceedings. Is this unreasonable to demand? Should we not deny the justice and consistency of our whole conduct by refusing it? It is no boon we grant; it is justice; it is a duty we owe to ourselves; it is to maintain my own consistency, and that of parliament, that compels me to vote for it. We either were or were not in earnest; we either did or did not believe the danger; and we are either satisfied or dissatisfied with the conduct of government in the exercise of those powers with which they were entrusted. Continuing to hold the same sentiments I have ever done in these measures, and convinced that the majority of this House and of the country maintain the same sentiments, I think we cannot hesitate one moment in agreeing to this bill, in favour of which I shall give my vote with more satisfaction than I ever voted in my life.

Lord *Nugent* said, he did not think that this question had any thing to do with the suspension of the Habeas Corpus act. He should not now enter into the reasons which induced him to give his vote on that measure last year; but he thought that those who voted against the suspension owed it to themselves, to the House, to the country, and even to ministers themselves, to institute a fuller investigation than was embodied in the report then upon the table. His hon. friend who spoke last, had quoted the opinion of a right hon. gentleman whose loss, he believed, they both sincerely regretted—he meant the late Mr. Ponsonby. It was true that that right hon. gentleman went into the committee impressed with the opinion that great danger existed; but he came out of it, believing that there were greater grounds of complaint. And what was the vote which he gave on that measure? He voted against the suspension of the Habeas Corpus, conceiving that the ordinary powers of the law were adequate to the protection of the public tranquillity; and if he were now in his place, he believed his right hon. friend would be too consistent not to vote against this bill of Indemnity. He, too, must put in his claim of consistency. He believed that the suspension of the Habeas Corpus act was not warranted by the facts which had been disclosed, but that it was calculated to inflame the discontents of the people, and to foment those very evils against which it was passed as a remedy, it was introduced and carried by an administration whose motives he distrusted, and whose policy he did not subscribe to; and it was, both in principle and precedent, most dangerous to the liberties of the country. From this view of the subject, he could not but give his hearty vote against every thing in the name of indemnity. Let us not, in the name of God, now that the country was again restored to the operation of the law, thrust out the people of England from their legal remedies. Let us not, by acceding to such a measure, take from government the duty of its vindication, and from parliament the means of ascertaining how the powers given to ministers have been exercised! When the gaols of the kingdom had been crowded with prisoners detained under arbitrary warrants—when the table of parliament had been loaded with their complaints of cruelty and oppression, was it not too much to ask of parliament not only to preclude all examination within its walls, but to deprive the sufferers of all legal remedies in the courts of law? If these men were guilty, why were they not tried? If they were innocent, why were they imprisoned at all? Let the ministers of the country establish the necessity of their conduct; to this they were bound, not only by a regard to their own character, but to the character of a high minded people, over whose interests they superintend. We heard much of the trials at Derby. How, he would ask, did these proceedings bear upon the present question? The persons implicated in these disturbances were arrested in the ordinary authority of the law; and yet, when the parliament were discussing the conduct of ministers in the exercise of extraordinary powers, the very head and front of their defence is founded on occurrences that have no connexion whatever with that exercise. All that had been said in favour of an indemnity, had been urged on the ground of the Report of the Secret Committee. With respect to this Report, he was not wrong in considering it as neither more nor less than an accredited manifesto of ministers; as much so, indeed, as a king's speech at the opening of the session was. The House ought not to delegate their powers to any committee. But, independent of this objection, the committee in question was appointed by ministers, and the evidence was presented by ministers; and on a report from a committee so appointed and judging on such evidence, did they found their claim for a bill of Indemnity. Were the forms and analogies of justice ever so insulted as in this case? He hoped parliament would not sanction this mockery of a trial. The hon. and learned gentleman who opened the debate, had laid great stress on the danger which would arise from the communication of the sources of the information on which his majesty's ministers acted. Did the hon. and learned gentleman mean information derived from magistrates, information derived from informers, or information derived from spies? If he meant the two former, he trusted there was still law and good feeling enough in the country to protect those two classes in the exercise of their duty in exposing whatever threatened danger to the state or to individuals. Those two clauses, therefore, were secure. It was, then, entirely for the benefit of the other class—namely, that of spies, that they were now calling on parliament to grant an indemnity. With respect to Oliver, the right hon. the chancellor of the duchy of Lancaster (Mr. Bathurst) had told them more than once that he had something to state with respect to Oliver's connexion with the Derby plot, which would materially alter the opinion of the House with regard to him—that would entirely do away the effect of the dying declaration of Turner, one of the men executed at Derby. From this declaration of the right hon. gentleman, he was led to expect something very strong from him; but the House had in reality heard nothing from him at all calculated to do away the effect of the words uttered by this man, at a time when he was in a situation far beyond the power of any man's bribe or intimidation [Hear, hear!]. Nothing surely that such an avowed wretch as Oliver could utter ought to weigh against such a declaration. The right hon. gentleman had said, that certain persons held improper conversations with the persons in the condemned cells, and endeavoured to influence them to make such a declaration. But did he believe that the high sheriff and under sheriff of Derby would be so negligent in the discharge of their duty as to allow any clandestine communication of such a nature to be carried on? Sure he was, that if this was allowed in Derby, it was a solitary instance in this country. But he would put it to the House, if on the known principles of human nature, it was possible that men in such an awful situation could make such a declaration under any improper influence? For whose benefit were they to make it? Supposing the statement of the right hon. gentleman to be correct, this declaration was made for the benefit of those very persons by whose bad example they were brought to their unfortunate end. They had therefore no evidence to disconnect Oliver with the transactions at Derby. For their own sakes, government, if they were innocent, ought not to ask for any bill of indemnity. Government in this case had the misfortune common to all those who employed spies—they were in some sort identified in the public opinion with the persons whom they employed [Hear, hear!]. It was a dangerous speculation to try how far the people could withstand the artifices and machinations of those wretches whom they let loose among them. The noble lord deprecated in strong terms the system of employing spies, which not only tended to undermine the confidence on which the charms of social intercourse was founded, but which was perverted to the baser purposes of tampering with the allegiance of the people, and suffering experiments of the most pernicious nature to be exercised on the temper and tranquillity of the country. The story so happily told by Cervantes must be familiar to the mind of every gentleman, wherein a husband, who had unjustly entertained suspicions of his wife's fidelity, employed a friend to try her constancy. The friend betrayed his trust, and the lady's virtue, before unstained, became the sacrifice of her husband's jealousy. Who, in reading that story of the Curious Impertinent, ever pitied the husband? And in the same manner, who could have pitied the ministers, if, in tampering with the fidelity and allegiance of the people, they had fallen victims to their own experiments? He would not impute bad motives harshly to any one; but, if, as a juryman, he were desired to judge of the conduct of ministers only from their own report, he should lay his hand on his heart and declare before God and his conscience, that he thought them guilty. If the House were determined to allow ministers on their own showing, to suspend the liberties of the country, and subsequently, on their own statements, obtain an indemnity for their measures, it was impossible any longer to boast the freedom of this country. If such a system was to be pursued, public liberty would be gone, and the strong hold of the people, would be annihilated [Loud cheers].

Mr. *Powlett* said, he was sorry to differ from those with whom he had so often been happy to concur, but he felt it his duty to give his support to the present bill.

The question being put, "That the Bill be now read a first time," the House divided: Ayes, 190; Noes, 64.

List of the Minority.

Abercromby, hon. J.
Althorp, visc.
Anson, hon. gen.
Baker, John
Barnett, James
Birch, Jos.
Brande, hon. T.
Brougham, Henry
Burdett, sir F.
Burrell, hon. P. D.
Burroughs, sir W.
Calcraft, John
Carter, John
Campbell, hon. J.
Cavendish, lord G.
Curwen, J. C.
Duncannon, visc.
Douglas, hon. F. S.
Fergusson, sir R. C.
Fitzroy, lord John
Folkestone, visc.
Gaskell, Benjamin
Guise, sir Wm.
Harcourt, John
Hamilton, lord A.
Heathcote, sir G.
Heron, sir Robt.
Howard, hon. W.
Howorth, H.
Hughes, W. L.
Hornby, Edward
Hurst, Robt.
Latouche, Robt.
Lemon, sir Wm.
Mackintosh, sir J.
Madocks, W. A.
Martin, Henry,
Martin, John
Monck, sir C.
Newman, R. W.
Neville, hon. R.
Newport, sir John
North, Dudley
Nugent, lord
Ord, Wm.
Peirse, Henry
Philips, George
Pym, Francis
Robarts, W. T.
Romilly, sir S.
Scudamore, Robt.
Sharp, R.
Smith, W.
Smyth, J. H.
Symonds, T. P.
Tavistock, marq. of
Tierney, rt. hon. G.
Waldegrave, hon. W.
Walpole, hon. G.
Warre, J. A.
Webb, Ed.
Wilkins, Walter
Williams, Owen
Wood, alderman

TELLERS

Lambton, J. G.
Ridley, sir M. W.

PAIRED OFF.

Cavendish, hon. C.
Latouche, John
Latouche, Robt. jun.
Markham, admiral
Morpeth, viscount
Pigott, sir A.
Plumer, Wm.
Sefton, earl of

The Attorney General having moved, that the Bill be read a second time to-morrow,

Mr. *Brougham* said, that surely ministers would not so far lay aside all regard to appearances as to force on the second reading of this important bill to-morrow. There were three or four notices which would have precedence of it, on each of which considerable discussion might be anticipated. Did his hon. and learned friend mean by this to say at once to the House and the country, that he considered all argument superfluous and unnecessary—that the question was to be carried alone by numbers? [loud cheering from the ministerial benches]. He implored the House, acquainted as they must be with the fact, that in ten days they were to be dissolved, and were to be sent to the country to their constituents [hear, hear!] to consider the impression which their conduct could not fail to produce. The experience, he thought, might have been spared, that they rested this cause on numbers alone—that relying on the eloquence of votes, they deemed all other eloquence superfluous—that the persons who had been deprived of their liberty under the suspension of the Habeas Corpus act, were to be deprived of all legal redress, because such was the will and pleasure of his majesty's ministers, who did not think it even necessary to condescend to give any reasons in justification of such a measure. He did not say that this was meant as an insult, but certainly it had every appearance of it. When ministers in this manner met their opponents with no arguments, but, without saying any thing, put the question at once to the vote, this was as much as to say, "We have 190 votes, and we do not care for your arguments—we do not think it necessary to give one reason for what we ask" [hear, hear! from the ministerial benches]. After the division was declared, the manner in which the account of the numbers was received by the ministerial benches seemed to say, "Aye, that was just what we expected." It was as much as saying—We knew we were right.—Not right as to the merits of the measure, for we never condescended to tell you the reasons why we were right [Hear, hear! from the opposition benches]. And the worthy alderman (sir W. Curtis) who seemed to enjoy the triumph so much, knew not why he was right at all on the merits of the bill;—but though he knew not that he was right on the merits of the bill—on the question, "shall we or shall we not be sure of 190 votes without hearing any arguments to justify them," he knew he should be right. On this question he was as sure as any of those who were now triumphing and cheering on his majesty's ministers. What was it but telling the country that they knew they had a great majority of votes, and therefore would not discuss the question? What was it but telling the country, we care nothing for all the arguments which can be brought against us, when they determined to bring on the question to-morrow at a time when it was physically impossible it could be discussed, there being four or five important questions which had the precedency? He could not help protesting against the conduct of an overbearing majority, who told them they would not give one argument, one reason, for the measure they called for. In such a state of things, nothing remained to those who were hostile to the measure, but to avail themselves of the forms of the House devised by their ancestors to meet such an occasion; and if any one supported him, he would avail himself of those forms, in order to give the country and the House an opportunity of making ministers pause, at least so long as to allow the House an opportunity for fairly discussing the important bill now before them [Hear, hear!].

Lord *Castlereagh* appealed to the House if ever they had heard a more unfounded attack than that which had just been made by the hon. and learned gentleman. He had affirmed that on this question ministers had not spoken. But the question had been argued in a more fitting way perhaps than if ministers had offered their sentiments, for the measure had been powerfully defended by several gentlemen whose support they were not in the habit of receiving. But he really thought the hon. and learned gentleman seemed himself to show a great want of confidence in his own case. Had he came out from his hiding place [a laugh], he would probably have found no reluctance on the part of his majesty's ministers to meet him. But the hon. and learned gentleman seemed to be dreaming every night on the subject of elections, on which he had given some information quite new to him, and he believed to the House, namely, their immediate dissolution [Hear, hear! from the ministerial side]. He had never known powder more idly wasted than in the fire of the hon. and learned gentleman that night. He had told them in an intimidating tone what he was to do in a future sitting. It would be better for the hon. and learned gentleman to have waited till that future sitting, when he was to carry his alarming threats into execution. The hon. and learned gentleman would not find ministers at all alarmed by his threats. His hon. and learned friend (the attorney-general) would continue to fix the second reading of the bill for to-morrow. If the business which had precedence to-morrow should occupy the House to too late an hour, then the hon. and learned gentleman might with propriety appeal to his right, if the discussion was forced on at a late hour. He certainly should not wish the House to go into the question to-morrow, if the preceding business lasted to a late hour.

Mr. *Brougham* rose amidst cries of "Spoke, spoke!" He thought, when he had been alluded so personally, he ought to be allowed an opportunity of defending himself. Whether he took part in any debate or not was a matter of so little importance to any one but himself, that he owed an apology to the House for now alluding to that subject, even after what had fallen from the noble lord. The only ground on which he had abstained from bearing a part in the debate, either on the present or on any other occasion, was, because he had heard nothing which required an answer. He solemnly assured the noble lord and the House, if it was of any consequence for them to know it, that he had never, on any one occasion, lately heard any thing from the other side to which he did not consider all answer superfluous, except in the question as to the standing army, and he appealed to the House whether he did not [Here the cries of "Spoke, spoke!" were repeated, and the hon. and learned gentleman sat down].

Sir *S. Romilly* said, he rose to move as an amendment, that the bill be read a second time on Wednesday. What his hon. and learned friend had advanced was certainly most true. On one side of the House there had been no discussion [Cries of no, no]. He would repeat it, there had been no discussion whatever. When the grounds advanced in support of a measure were answered—and in his opinion they had in the present case been answered in a satisfactory manner—it was usual to reply to the arguments of the opponents of the measure. Now nothing of this kind had been done that night. Gentleman after gentleman on his side of the House had risen to oppose the bill, without one single gentleman rising from the opposite side in support of it. Now, surely, the noble lord did not mean to say, that because his hon. and learned friend had not spoken, no argument urged by any other person, would be answered by them. His hon. friend the member for Cambridge, and his hon. friend the member for Hertfordshire, had answered, in a most powerful manner, the only arguments which were advanced on the other side; but because his hon. and learned friend had not also answered them, they were resolved to keep back—till this formidable opponent spoke, they were determined to maintain silence. His hon. and learned friend had only to conceal himself in that place from which he lately addressed them, and then he would reduce the whole of his majesty's ministers to silence [a laugh.] The other measures which had precedency were important, and would probably occupy the House to a late hour. And where, he would ask, was the necessity for pressing the measure? The bill had a retrospective effect, and if it were passed three weeks hence, it would answer the same purpose as if it had been passed three weeks earlier. It was the mere wantonness of power in his majesty's ministers to wish to press this measure.

Mr. *Canning* said, that the hon. and learned gentleman had stated some rules as to the forms of debate which were true in themselves, but not in their application to the present case. It was true that that night nearly all the speaking had been on the other side of the House, but certainly not all on the same side of the question. The reason why there was a want of occupation on the ministerial side of the House was that the work had been taken out of their hands. The hon. and learned gentleman seemed not to be aware of the length of the debate which was just concluded. That could not be called a very short debate, in which there had been twelve different speakers; and yet such had been the debate of that night. It could not be called a very extraordinary debate in which there were six speakers on one side of the question, and six on the other side; and yet such had been the debate of that night. When an accusation was brought against one party for having allowed the debate to drop, the accusation could not be sustained if the last speech in the debate was one in favour of that side of the question, supported by the party accused; and yet such had been the case in the debate of that night. The debate had been opened by his hon. and learned friend, the attorney-general, with a very able speech, the arguments of which remained yet unshaken; and with that speech he would be willing to rest their part of the question. He was followed by the hon. member for Durham, and the member for Northumberland, who both opposed the bill. They were followed by the hon. member for Bristol, who declared he would vote for the indemnity, and his vote was the more valuable, having given a vote against ministers on the question of the suspension [No, no! from the opposition]. He was sure that was the course of his argument. His argument was, that even those who voted against the suspension, were nevertheless bound to vote for the indemnity. This hon. gentleman had been followed by another hon. gentleman on the same side of the House (Mr. Stanhope), who again was followed by the hon. member for Cambridge. The hon. member for Cambridge was again followed by an hon. gentleman (Mr. Marryat), the first who spoke on his side of the House, but not the first who spoke on his side of the question: who, though he voted against the suspension, stated that he was prepared to vote in favour of the indemnity. The hon. and learned gentleman in question was followed by a noble lord (Althorp), of whose efforts in opposing the bill he certainly did not mean to speak with any disparagement, but he might safely say they were much second to that of the hon. gentleman whom he followed. However, the effect of that speech was completely done away by an hon. gentleman, who usually voted with the opposite side of the House (Mr. Fremantle). He was was followed by a noble lord (Nugent), who had certainly had his share of the debate, and had done his best. [a laugh.] He did not mean to under-rate the noble lord's abilities, but, however ingenious or eloquent, the noble lord's speech might have been, he thought it completely answered by the argument of the hon. member who succeeded him. This was the history of the debate in which his majesty's ministers were blamed for not having taken a part. He would be glad to know in what part of the debate they could with propriety have come in? But, indeed, he would observe, that a debate in which the conduct of ministers themselves was in question, and in which they were personally implicated, was not that in which they should be too ready to take a part. In addition to the history of the debate, which was itself a sufficient reply to the two hon. and learned gentlemen, he must remind the House, with regard to their threat about forms, that the course of debating a bill on the first reading, which had been done that night, was a very unusual course. The usual coure would have been to have had the first reading on the same night that the bill was brought from the Lords; and the second reading on this night. That course was interrupted by a request from an hon. member opposite, out of courtesy to whom his hon. and learned friend had consented to postpone the first reading till this night; and now in return for this, the hon. and learned gentleman opposite came forward with his threats. His noble friend seemed to hint that if the other business which stood for to-morrow should occupy the House to a late hour, the second reading would not be pressed. Now, after the conduct of the hon. and learned gentleman opposite, he, for one, hoped that no postponement would take place to-morrow on any account whatever, and that the House would, by going through the second reading, then testify its sense of this interruption, so uncourteous and unprovoked [Hear, hear!].

Sir *J. Newport* said, he would follow the example of the right hon. gentleman, by also giving a recommendation to his honourable friends. He would recommend them to avail themselves of the forms of the House, for the purpose of protecting the minority within those walls, and the people of England at large. The right hon. gentleman had stated, that if any protracted discussion should take place on any preceding question, ministers would not persevere in pressing the measure. He could inform that right hon. gentleman, that there was a question which, according to the rules of the House, had the priority, on which a discussion was likely to arise, unless the right hon. gentleman was prepared to maintain, that the salt duties did not present a question of importance to the country? Would it be right, after a long debate on such a subject, to proceed to discuss the principle of the present measure? The right hon. gentleman had left out of his calculation, in the historical statement which he affected to give of the debate, the speeches of the member for Northumberland and the member for Hertfordshire, [cries of No, no!]. [Mr. Canning rose, and was about to address the Chair, but sir J, Newport refusing to give way to him, he sat down.] Sir J. Newport observed, with some warmth, that such an interruption was contrary to order, and he would no more tolerate it from the right hon. gentleman than from any other man in the House. The amount of what he contended for was this, that, according to the right hon. gentleman's own argument, the bill ought not to be brought forward to-morrow. He had said, that it was intended as an accommodation to the member for Durham, but the member for Durham had made no request of the kind, so that it was in fact only meant for the accommodation of ministers themselves. But even if the statement were correct, would the House agree to sanction them in granting such a favour to any individual, when the effect of it must be to prevent that deliberate, dispassionate consideration which they were bound to give to all questions, and particularly to questions of such magnitude. If it was to be laid down as a principle, that any stage of a bill could be hastily passed over, the very principle on which those different stages appeared to rest, would be contradicted. They were marked out for the purpose of insuring a fair and full discussion; and while it could be contended, that any member had a right to oppose a bill in all its stages, it must be admitted that he had a right to debate it in all its stages, and consequently a right to insist that he should not be deprived of the opportunities necessary to admit of such debate. Upon these grounds, he trusted that those gentlemen who promised to avail themselves of the orders, by proposing a call of the House, would persevere in their intention; and he had little doubt, that if they did so, ministers would find themselves in the same difficulties which they had experienced on former occasions, when the same expedient was successfully tried.

Mr. *Canning* assured the right hon. baronet, that it was not from any disrespect towards him that he had offered himself to the attention of the House. It was contrary to order to interrupt a speaker, but it was in perfect consistency with the practice of the House to correct, as soon as possible, a fact accidentally misrepresented, in order to prevent the waste of argument founded on such misrepresentation. Such a course was by no means unusual, and he never knew an instance before the present, in which it was not taken in good part. However, as the right hon. baronet preferred the more regular and formal proceeding, he had yielded to his desire, and should now correct the misrepresentation of which he complained. The right hon. baronet had stated, that he had omitted in his enumeration the members for Northumberland and Hertfordshire; he should answer without any apology, that he had omitted neither.

Sir *S. Romilly* withdrew his amendment, on the understanding, that if the second reading of the bill could not come on tomorrow before a late hour, it would be postponed.

HOUSE OF COMMONS.

Tuesday, March 10.

PETITION AGAINST THE MONOPOLY OF BEER.] Mr. *Lockhart* rose to present a Petition, which he said was signed by 14,000 persons, inhabitants of the metropolis and its vicinity, complaining of the monopoly carried on in the brewing of porter by certain brewers in the metropolis. Some of the petitioners, he observed, were magistrates, and a great number tradesmen of respectability, but all of the petitioners were persons interested in the price of porter. They complained that the present price of porter was entirely too high, and that its quality was extremely bad, and this they attributed to the monopoly of certain brewers, who, notwithstanding the fall which had on one occasion, since the war, taken place in the price of malt and hops, the removal of the heavy war malt duty, and the abolition of the property tax, still kept up the price of their porter, alleging, as a reason, that they had a great stock on hand; but though that stock had long since been consumed, they kept up their high prices, and they were still advancing them. Now, when every article used in the manufacture of porter was, with some few exceptions, cheaper than at any former period, for a considerable time, they not only sold their porter at a dearer rate, but made it of a very inferior quality, so that this necessary article of consumption was no longer a nutritious beverage to the poor man, whose means did not allow him to seek for any other. The petitioners also stated, that the monopoly was caused by the principals of the eleven chief breweries in the metropolis, who met together like the partners of one concern, and fixed the price at which porter should be sold. It was said also, that the circumstance was mentioned in the report of the police committee; but he could not find that that committee had noticed the circumstance. He should, however, say, that if this monopoly existed, it was so dangerous in its nature and effects, so subversive of every fair principle of commercial speculation, that he hoped no man of character, honour, or fortune, in the city, would be found to be engaged in it. It was, if it existed as described, a species of monopoly which interested every member of the community; for there was no man who could be insensible for a moment to the consequences of giving an inferior kind of drink to the lower classes of people, and thereby driving them to the use of those liquors, the effects of which had been found so destructive to the morals of the community. The petitioners stated, and he agreed with them, that the whole of the evils complained of on this subject, arose out of that power which was vested in the magistrates, of saying, without any control, who should, and who should not, have their authority for selling beer. The power they exercised in this way, was not, in his opinion, recognised by any legislative enactments. With many of them, the right to exercise the business of a publican was not granted or withheld from any view to the public good, but from a wish to promote the interest of those who were their particular patrons and friends. Another complaint of the petitioners was, that the power of taking away licences was not regulated by any fixed rules with which those concerned in the trade were acquainted, but seemed to depend entirely upon the caprice or interest of the parties exercising that power. Why any man should, upon slight or trivial grounds, take away the means which another possessed of earning his bread, or why he should be deprived of that which was his only property, perhaps it would be difficult to determine upon any fair legislative principle. But that such abuses existed was proved from the report of the committee on the police of the metropolis. The remedy which the petitioners suggested, though without pointing out any in particular, was, that the trade should be thrown open, and that the power of the magistrates should be removed from the patronage and entire control over it, to the legal one of correcting its abuses. That instead of their own uncontrollable power, as to who was or who was not to exercise the trade, they should be restricted to the application of those legal remedies which were calculated to correct its disorders. This, in his opinion, would have the effect of removing all the principal grounds of complaint, as far as concerned the mode of licensing, and would go, in a great degree, to remedy all the others; for if the victuallers were left to their own choice, without the terror of a magistrate's power hanging over their heads, they would deal with those brewers who gave them the best beer, and they would thereby destroy that monopoly which it was now alleged existed. The high price of porter, and its very inferior quality, were another complaint made by the petitioners. It was his duty to recommend the prayer of the petition to the House, and if the allegations mentioned were found to be true, it would be the duty of the House to correct the abuses they stated. He would not say, of his own knowledge, that the monopoly existed as it was described; but if it did so exist, it ought to be put down, as it was against every principle of law and fair commercial policy. This petition, it ought to be observed, was not merely founded upon the authority of the petitioners themselves, it was borne out in some important parts by the report of committees on the police of the metropolis, who had paid most particular attention to the subject, as far as concerned the system of licensing, and the monopoly of victualling-houses by the brewers. This committee was also aided by the evidence of several brewers of considerable eminence. The committee stated, that they had observed the practice which had lately taken place of brewers becoming the proprietors, either by purchase or loan, or mortgage, of a vast number of victualling-houses, and the proportion of houses so held by them in the metropolis, was nearly half the entire. This they describe as extremely injurious to the community at large. And in another place they observe, that the practice was also growing in the country, and ought to be put down, as most injurious. From this it appeared, that the petitioners were not without foundation in their assertions; for there was in these instances direct evidence of monopoly in several places. He conceived, on the whole, that the petition was one of considerable importance, and required the serious attention of the House.

The Petition was then brought up and read, and was as follows:

"To the honourable the Commons of the United Kingdom of Great Britain and Ireland, in parliament assembled, the humble Petition of the inhabitants of London and its vicinity,

"SHEWETH—1. That your Petitioners are much aggrieved by the high price and inferior quality of the beer which is obtruded upon them in consequence of the supplying of that necessary of life being confined to certain privileged individuals and places.

2. "The high legal authorities have declared all monopolies to be against the ancient and fundamental laws of the realm, and injurious to the public—first, by raising the price of commodities; secondly, by diminishing their quality; thirdly, by impoverishing poor manufacturers.

3. "That the legislature has passed numerous statutes to punish such as are guilty of creating monopolies—particularly monopolies of the necessaries of life; and so early as the 2nd and 3rd of Edward 4th, very heavy penalties were imposed on victuallers who combined together to raise the price of victuals, extending upon a second repetition of the offence to the pillory, to the loss of an ear, and perpetual infamy.

4. "That, notwithstanding the illegality of such conduct and its injury to the public, a monopoly in the supply of beer has of late years been raised in various parts of England; insomuch that nearly the whole custom of the metropolis is engrossed by eleven great breweries, whose principles act in combination—meeting together like the partners of one concern, and fixing the price at which beer shall be sold.

5. "That when the reduced price of malt and hops, of horses provender and labour, the lessening of the tax on malt, and the subsequent abolition of the property tax, enabled the brewers to make great reductions in their accustomed charges, they did not make such reductions, but kept up their prices, until after their conduct had excited animadversions in the House of Commons, alleging, as a reason for their doing so, that their stock in hand must be first disposed of.

6. "That so soon as the failure of the harvest in 1816 caused the price of malt to look up, and while their stock in hand was wholly unaffected by the rise in the materials, they revived the high prices of beer to the consumer, which prices they have lately still farther advanced.

7. "That beer as now made is so void of the nourishing and invigorating qualities which it formerly possessed, and is oftentimes so ungrateful and even injurious to the stomach, owing to the deleterious ingredients of which it is in some instances composed, that consumers are frequently driven to use a mixture of gin with it, to give it the semblance of strength and spirit, or still more prejudicially to the drinking of gin instead of beer.

8. "That these and numerous other evils are justly attributable to the monopoly which the great brewers have established.

9 "That this monopoly is produced and upheld by the unconstitutional power given to justices of the peace in their respective localities, to prevent any persons from vending beer, excepting such persons and in such houses as they please; a power which being subject to no human control, and being exercised in many instances by needy or avaricious men, is naturally applied by them in preventing competition in trades in which they or their friends or patrons are interested.

10. "That a desire to prevent an unnecessary number of houses, the reason generally assigned for refusing permission to open houses, built for public-houses where the reasonable wants of the public require them, is evidently insincere; because the same licensers grant licences to public-houses in clusters where the interest of their friends is thereby upheld, although such houses can only be supported by allowing and encouraging bad practices.

11. "That the similar pretence, that competition is prevented in order that the landlords of the favoured houses may flourish, and not be induced through necessity to suffer disorderly conduct on their premises, is equally fallacious; because the owners of the favoured houses,

who are generally brewers or spirit-dealers, always require premiums of their tenants, equal to the value of the monopoly to them, or an additional rent, thus keeping the tenants profits down, however valuable the licence may be to the principal.

12. "That the supposition of correcting the licentiousness encouraged at some public-houses by denying licences for others, is only calculated to benefit the monopoly system: it being evident, in principle, that men will not drink less, or be less disorderly when drawn together in one house than they would be if divided among two or three; and notorious in practice, that some of the houses which command a superior share of custom and profit, are among those which are most injurious to the public health and morals.

13. "That such is the value, however, of the prohibition of competition, that thousands of pounds are frequently given for the consideration of a licence to a house, in other words, for permission to trade, which expense, together with the extra profits secured by the monopoly, fall upon the consumers, and become a grievous burthen to the lower classes of the community.

14. "That it is unreasonable to invest justices of the peace with the right of issuing exclusive powers for trading in victuals, when the issuing of such powers by the sovereign himself is declared to be void in law.

15. "That it is equally unreasonable to authorize the said justices to 'disseize 'men of their liberties and free customs,' at their own will and pleasure, without being accountable to any human being, while the king on his throne is interdicted from 'hurting or injuring' the meanest subject, unless by due course of law; and is answerable for his acts in the persons of his ministers.

16. "That these extraordinary and unconstitutional powers, even in the purest hands, are wholly inefficient for the object of keeping victualling-houses in good order; because they are only in action on one day in the year, when punishment, as regards the past, is easily got rid of by shifting the tenant, and as regards the future, it is as impossible for the licensers to know that such houses as they patronise will be well conducted, as it is that those which they refuse to license would be disorderly.

17. "That it is therefore equally in vain to expect an effectual control over public-houses, or a termination of the wrongs inflicted on the owners of houses, on victuallers, and on the public at large, under the present licensing system—a system which is proved to be all-impotent for good purposes, and all-powerful for bad ones—erecting a despotic control over the comforts, the property, and the rights of the subject, which is anomalous in the constitutional government of this country, and which is believed to be unknown in any other.

18. "That to produce a remedy, it is necessary for the magistrate's power to be removed from the patronage of the trade of victualling, to the correction of the disorders which sometimes arise out of it—from the exercise of their own uncontrollable wills, to the administration of legislative rules, equally applicable and extending to all, and in which the penalties are proportioned to the offences, and are operative immediately.

19. "That in as far as it is deemed expedient to restrict the number of public-houses, that end will be most fairly and beneficially accomplished by imposing a large duty on the licence to open any new house, thus diverting the value of the restriction from the pockets of the license-jobbers to the uses of the state.

20. "That with a large duty imposed on leave to open a new house, and due means provided for immediately stopping a trade conducted in a disorderly manner, no persen would risk the capital necessary to establish a new trade, unless he could do it upon safe grounds, and therefore no good reason can be advanced against restoring to the public the benefit of a free competition, and to victuallers the common rights of their countrymen—namely, the liberty to carry on their trade in such places as they find most eligible (not being locally offensive) and to purchase their goods of such manufacturers as offer to supply them on the best terms.

"Your petitioners humbly submit the above propositions to the wisdom and paternal care of your honourable House, in the hope that your honourable House may restore to the public generally the right of a free trade in beer, and to the victualler in particular the protection of laws, instead of the wills of individuals, subject to such legislative regulations for the trade as shall be deemed conducive to the public welfare.—And your Petitioners will ever pray, &c."

On the motion that the Petition do lie on the table,

Mr. *Charles Barclay* observed, that he never rose under stronger feelings than on the present occasion, and he regretted extremely that the hon. and learned gentleman had not delayed bringing forward the petition for at least a short time, that some of his majesty's ministers might be in their places to hear the explanation which he was anxious to give. The question was not only one which interested the people at large, as affecting one of the necessaries of life, but it was also important to the government, as a question of revenue, as the duties upon the beer brewed by the eleven principal porter breweries of London paid an annual duty of nearly 900,000*l.*, nearly one-fiftieth part of the whole revenue of the empire.

He wished first to state to the House in what manner this petition had originated. About three months ago, in consequence of a most extravagant advance in the price of hops, and the continued high price of malt, the brewers were obliged to raise the price of porter one half-penny per quart. Very soon afterwards a string of resolutions appeared in many of the public papers, containing the most violent charges against the brewers, and stating that a magistrate of the county of Middlesex intended shortly to call a public meeting to take them into consideration. This magistrate, a gentleman of the name of Beaumont, afterwards signed a requisition, calling a public meeting, which was afterwards held at the Crown and Anchor-tavern in the Strand. At that meeting, which was not (as he was informed) very numerously attended, Mr. Beaumont came forward, and moved the very same resolutions which had already been advertised. They were, of course, passed without much opposition. In such an assembly, it was not very likely that the brewers, or any person inclined to speak in their behalf, would obtain a fair hearing; more particularly when the chairman himself opened the business of the day with as violent a phillippic as could issue from the lips of man against a class of persons of whose concerns and of whose conduct he was perfectly ignorant. The resolutions were again printed in all the papers, and after some interval of time a petition was framed in the very same words as the resolutions. Copies of the petition were left in various shops in the different parts of the town. Placards were pasted up not only in the metropolis, but in the environs, announcing, in large letters, the necessity of "fair trade, and free trial;" men were employed to carry large hand-bills, upon poles, through the most crowded streets, and some bore copies of the petition itself, with pens and ink ready to induce the passengers to affix their signatures to it. He went himself into one place where the petition was left for signatures, and was informed, that the object of it was to reduce the price of porter. So far, therefore, from being surprised at the number of signatures, which he understood from the hon. and learned gentleman amounted to 14,000, he was astonished that the number was not considerably greater. Mr. Beaumont afterwards printed the speech which he had delivered at the meeting, a copy of which he then held in his hand, and to which he should beg leave to allude in the course of this discussion.

Before, however, he came to the charges contained in the petition, he begged the House to recollect that it was expressly framed against the eleven principal porter breweries of London, and he should therefore confine his observations simply to the facts as relating to them. He was well aware that in the country the brewers acted upon a principle completely different from those in town. The public-houses almost exclusively in the country, were in the hands of brewers, a practice which he had before stated in this House, as in his opinion most injurious to themselves and the public.* The petition now upon the table assumed this proposition: That in consequence of the present system of licensing, eleven porter brewers had obtained a monopoly of the whole trade of London; that they had combined together, and made enormous profits by selling an inferior article at an extravagant price, and that in some instances they had adulterated their beer by the mixture of noxious ingredients. First, with respect to the charge of monopoly. Fortunately for him, this subject had attracted the attention of the Committee upon the Police of the Metropolis, which sat last year; and the brewers very readily came forward to give the committee all the information upon the subject which they were desirous of obtaining. The leading partners of three breweries, which brewed more than half the beer consumed in the metropolis, gave the following statements. The first, with which he was connected, that only one-eighth part of the houses in their trade belonged to them. The proportion of those in the same situation with Whitbread & Co., one-seventh. With Hanbury & Co., one-seventh. Thus, out of perhaps 2,000 public-houses supplied by these three breweries, not 300 were the property of the brewers. He knew that it might be asserted, that there was a connexion between many of those which he considered as free houses and the brewers, by means of loans secured by mortgages upon the leases of their houses. But the House would observe this marked distinction between the two cases. Where a public-house was purchased by a brewer, the trade was secured to him during the term of his lease, but the publicans, who only borrowed a sum of money upon their lease, were at all times at liberty to purchase their beer wherever they pleased, as from the general custom of the trade in London, if they wished to go to another brewer, the money so borrowed would be paid for them. That frequent changes of this nature continually happened he well knew, and as an instance of it he need only state, that in the course of the last two years, the number of public-houses which had come to his house from other breweries, added to those which had left him, were equal to one-third of his whole trade. This system of lending moderate sums was productive of very great advantage to many industrious tradesmen, or persons just beginning in life, without any real injury to the public, as he could assure the House that one-twelfth part of a half-penny, or the 144th part of the price of a quart of beer, would pay him interest for money thus lent beyond his most sanguine expectations. The price, therefore, could not be lowered, if this system was abolished, and the improvement in the quality so small as to be perfectly imperceptible; for he was convinced that the most accurate judge could not distinguish whether the strength of porter was increased 1-144th part or not.

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* See Vol. 33, p. 1022.

He would now revert to the subject of prices, and he should be able also upon this point to refer to the report of the Police Committee. It appeared by the evidence then given, that forty or fifty years back, and until the year 1799, porter had been sold for 3½*d.* per quart. Since that, government had added duties upon malt, hops, and beer, equal to ½*d.*, and the brewers had advanced 2*d.*, being about 60 per cent. By the evidence given by his hon. colleague (Mr. Calvert) it appears, that the price of barley and hops had in that time increased 200 per cent, and the different charges for wages, horses, coals, repairs, &c. from 100 per cent to 200 per cent. In his own evidence there is an account of the average prices of malt and hops, taken from the books of the House for 48 years. It appears that the price of malt and hops from

	Average of Malt.		Of Hops.	
1769 to 1779	31*s.* 6*d.*	per qr.	4*l.* 9*s.* 8*d.*	per cwt.
1779 to 1789	33*s.* 9*d.*	do.	4*l.* 4*s.* 3*d.*	do.
1789 to 1799	41*s.* 8*d.*	do.	5*l.* 4*s.* 2*d.*	do.

During the above period the duty on beer was only 5*s.* 7½*d.*, per barrel and the price 30*s.* per barrel, or 3½*d.* per pot.

	Average of Malt.		Of Hops.	
1799 to 1809	69*s.* 3*d.*	per qr.	6*l.* 16*s.* 7*d.*	per cwt.
1809 to 1817	81*s.* 1*d.*	do.	6*l.* 1*s.* 7*d.*	do.
of 1817	86*s.* 0*d.*	do.	15*l.* 0*s.* 0*d.*	do.
and the present price is	84*s.* 0*d.*		28*l.* 0*s.* 0*d.*	do.

During the above period, the duty on beer was 10*s.* per barrel, and the price from 35*s.* to 55*s.*, at which last price it now stands.

Now, from these statements the House must be convinced, that there is not the least foundation for that part of the petition complaining of excessive prices, and if Mr. Beaumont had fairly quoted the facts, he could not have persuaded the meeting to have agreed to his resolutions. He would just refer to the copy of Mr. Beaumont's speech to show the House the nature of his misrepresentations. He states, that in July 1803 the brewers raised the price of beer although no alteration had taken place in the price of malt. He ought to have known that the advance of price was owing to the war duty upon malt having been laid at that time at 16*s.* per quarter, and taken upon the stock in the possession of the brewers. Mr. Beaumont afterwards professes himself at a loss to account why the brewers reduced the price in July, 1816, when the price of malt and hops was dearer than the preceding year. The answer is as obvious as the former; the war malt duty was then taken off, and consequently, there was an immediate reduction in the price of beer. In another part of his statement, in order to make his charges more plausible, hops are quoted at 25*l.*, when the price was from 12*l.* to 14*l.*, and again at 13*l.* 13*s.* when they were only 9*l.* To go back no farther than in the last year his (Mr. C. Barclay's) evidence before the police committee, when it was manifestly his interest to have quoted the highest price of malt, if indeed he could have been guilty of making a misstatement to serve any temporary purpose; he states the price at 86*s*. Mr. Beaumont in his speech states it at 105. Such were some of the grounds upon which Mr. Beaumont had moved a vote of censure upon the brewers! But Mr. Beaumont had also accused them of raising the price of porter, when their stock in hand could not have been affected by the advance which had taken place in the price of malt and hops. He would assert without fear of contradiction, that the public had participated in the benefits afforded by the stock in hand. They must have paid, during the whole of the last year, a higher price, had not the brewers held large stocks of malt and hops bought in the preceding year. This would be easily understood when he stated the price paid for malt in 1816: 64*s*. per quarter, including the war duty of 16*s*. per quarter, and the price paid last year, was 86*s*. without the war duty. But he must observe, that the stock in hand ought not fairly to be taken into account in the question about prices. Those brewers only, who had a large extra capital, could afford to purchase stocks for the ensuing year; and, it would be most unjust to the smaller capitalists, to require them to sell at a price which would be productive of serious loss, when compared with the existing prices of malt and hops. He wished also to draw the attention of the House to another circumstance, that the price of malt was not the only criterion. The quality was a most material consideration; and hon. members must know from their own experience, that the malt of the present and preceding years was very inferior to that of 1816.

He was aware that, in answer to these statements, he might be told, that one of the eleven porter breweries of London had advertised, that in deference to the opinion of the public, expressed at the general meeting at the Crown and Anchor Tavern, they had reduced their prices ½ per quart, and thus appeared to admit that the former price was excessive. He would request the attention of the House to this point, for a stronger argument could hardly be used in favour of the breweries. This brewery (the Golden Lane) was established by the public about the year 1803. A capital of 355,000*l*. was raised by shares of 50*l*. and 80*l*. each. In a concern of this nature, it might be readily supposed, that the proprietors, acting, as they believed, upon patriotic motives, would be amply satisfied if they received the common interest of 5 per cent; an interest which he was sure the House would not consider as a fair remuneration for persons embarking their property in a trade upon which their maintenance and future fortunes were to depend. The Golden Lane brewery, therefore, might perhaps be able to undersell the other brewers. But what would the House think of their conduct when he stated, that no interest whatever had been paid to the proprietors for many years. That, in addition, they had so reduced their capital, that by the market price of the shares, the loss might be estimated at little less than 250,000*l*. For such a brewery, therefore, to reduce the price of beer was a deception upon the public. But the public was not to be so deceived. They knew that there was no other means of enabling this House to undersell the rest of the trade, than by selling beer of an inferior quality; and, he (Mr. C. Barclay) had no hesitation in saying, that he believed this to be the case. He knew that some of the publicans also were in the habit of selling their beer 1*d*. under the market price; but when they did so he believed that they mixed either water or table beer with the porter; and so strong was this conviction in the minds of those with whom he was connected, that they often refused to supply those publicans who acted in this manner. He denied that there was any combination amongst the brewers, to make unfair charges upon the public; and from his own knowledge he could assert, that upon various occasions, the principal breweries had been the means of preventing any rise in the price of beer, and of lowering it at an earlier period than could be well afforded by the smaller houses. A strong proof of this may be drawn from the list of the brewers of London and the quantity brewed by each for the last nine years in the police report, by which it appeared, that during that time six of the smaller breweries had been obliged to join the larger houses in order to save their capital.

He would next advert to the charge, that deleterious ingredients were mixed with the beer. He believed that the charge, as affecting the eleven breweries named in the petition, was perfectly groundless. He could answer personally for one house, and he thought he might venture to do so for the others. There were certainly convictions which had taken place against some of the very small breweries both in the country and in the metropolis, but he would ask the House, whether it were probable, that in the large houses, where such drugs, if used, must be brought in large quantities, probably in cart loads: when the penalties for using them were from one to five hundred pounds, when the still greater penalty of ruin by the loss of trade, if such a conviction were to take place, would be incurred; when concealment was next to impossible amongst the numerous persons employed and who were continually changing, and in a place visited at all hours both of the day and the night by different excise officers—He would repeat the question, was it probable that any tradesman would dare to encounter such a risk if his own honesty and principles were not sufficient to prevent him? He could speak from experience of the effect that such conduct would produce. A scandalous and false report had been circulated through the town, within the last few weeks, that in the house with which he was connected a seizure had been made by the officers of the excise of various prohibited drugs. The alarm that such a report created was so great, that many of the publicans who were supplied from his house, could not sell a barrel of porter, and inevitable ruin must have been the consequence, had he not been able most fully to contradict it by a public advertisement.

He now trusted, therefore, that he had convinced the House, that the charges contained in the petition of the monopoly of the eleven principal porter brewers of London were unfounded, that so far likewise from having made unfair advances in the price of porter, they had often been the means of keeping it down, and that it was next to impossible that they should be in the habit of mixing deleterious ingredients in their porter. The petitioners asked for free trade and fair trial. There was no person in the House could be more anxious for it than himself. The House would perceive, from what he had already stated, that it must be his interest to support this part of the petition. But he believed that in a great degree it already existed in London, and that by no alteration in the system of licensing could porter be sold either cheaper or better in quality. But the petitioners for the purpose of obtaining a free trade, asked the House to pass a law by which any person might open a public house in any situation he might choose, paying a heavy duty for his licence. Before the House entered seriously into the discussion of this proposition, he requested them most earnestly to recollect the great mass of property it would affect. He did not here speak of his own interest or that of the brewers. The measure would, in his opinion, be rather beneficial to many of them than otherwise. But there was a class, and he was happy to believe a very numerous class, of persons, who would be seriously affected by such a proceeding. He meant the free publicans residing in houses of their own, free in every respect whether they had borrowed money of the brewers or not. These persons had paid large premiums for their houses, considering that by the existing laws, they had purchased fairly and legally a property which could only be wrested from them by their own misconduct. He estimated that the value of the property thus held by publicans supplied by his house was not less than 500,000*l.*, and he therefore on their account and for their interest called upon the House to protect a property which had been fairly procured and could not by any argument be proved to be injurious to the public interest. He was sorry to have trespassed thus long upon the patience of the House, he thanked them for the kind indulgence with which they had listened to him. He had been very anxious to give every explanation in his power, and at the same time to correct the misstatements contained in the petition which, from the manner it had been framed and the extraordinary system which had been adopted for procuring signatures, he could not consider as the genuine sentiments of the 14,000 persons who had signed it, but of Mr. Barber Beaumont—of whom as he knew nothing he should say nothing.

Mr. *Dickinson* observed, that as this matter came so very unexpectedly before the House, and as there was a great deal of private business, which it would be very inconvenient to delay, he hoped the necessity of adjourning the debate till tomorrow would be felt. With that view he should move that the debate be adjourned till to-morrow.

Mr. *W. Smith* said, he differed *toto cœlo* from the hon. and learned gentleman who presented the petition, in the view he had taken of the question. He agreed in the propriety of adjourning the debate, but thought the matter could only be settled in a committee, where he anticipated the allegations of the petitioners would be found to be false.

Mr. *C. Calvert* said, he would not press the subject upon the House, as it seemed to be the general wish that the discussion should be adjourned; but he could not avoid observing, that he had never heard such a tissue of false imputations against any body of men, as that which was contained in the petition. He, for one, concerned, was most anxious that a committee should be appointed to ascertain the truth, if any there was in the allegations.

The debate on the motion, That the Petition do lie upon the table, was then adjourned till to-morrow.

PETITION FOR A REFORM OF PARLIAMENT.] Sir *F. Burdett* said, he had several Petitions to present from Warrington for annual parliaments and universal suffrage. The attorney general had last night stated, that those who demanded annual parliaments and universal suffrage, had a design to overturn the constitution. If these persons were conspirators, they conspired in the open day. It had been proved to demonstration, that parliaments had for a long period of our history been held once a year or oftener; there were new writs, and lists of new names, for every session, sometimes two, sometimes three, and in a few instances four sessions within the year, for each of which there was a new election. The statute, that a parliament should be holden once a year or oftner, implied that a new election should take place every session. And when the nature of parliamentary business was considered, that they could not then be corrupted or bribed according to the fancy of the Crown, it was rational to suppose that the members would be dismissed as soon as the business for which they were sent was done. Members did not then expect to mend or make their fortunes in parliament; it was a hard duty and a personal risk (to protect them from which, the privilege of parliament was established), and as soon as they had performed one duty for their constituents, they were not anxious immediately to go again. It would be more difficult to prove that universal suffrage prevailed; though from the language in all ancient writings, and from a variety of incontestible documents, it was probable that something very like universal suffrage existed. He should only quote the words of the old coronation oath,—that the king should govern according to the laws which the people might have chosen—"Leges quas vulgus elegerit." He apprehended that the meaning of the word 'vulgus,' when used in our law books or historical records could not be mistaken—that, indeed, that word had an extensive signification, and that when applied to the right of popular election it could only be understood to imply universal suffrage. But this construction could not be questioned when we considered the application of the words "magnates, barones, liberi tenentes et communes totius regni." For such words in our parliamentary records could not be perverted to any other meaning than that of universal suffrage. He argued, therefore, that this doctrine could not be deemed so novel, so extravagant, or so contrary to our ancient constitutional habits, as the learned gentleman had last night thought proper to describe it. Thus much he felt it right to say upon this occasion, without meaning to enter at any length into the merits of the principle of universal suffrage, but with a view to protest against the repetition of such remarks as had induced him to say so much, and to deprecate the practice which had of late prevailed in answering the petitions of the people, not by fact or argument, but by abuse.

The several petitions were ordered to lie on the table.

PETITION OF JAMES ROBERTSON COMPLAINING OF THE OPERATION OF THE HABEAS CORPUS SUSPENSION ACT.] Mr. *Brougham* rose to present a Petition from James Robertson, a weaver, in Bridgeton near Glasgow. The learned gentleman observed, that having no knowledge of the facts, he could not be responsible for the statements contained in the petition. But, as a great deal had been said of the petitions on the table, he thought it proper to observe, that if these petitions were true, the parties complaining ought obviously to be redressed; while, if they were false, the petitioners themselves were deserving of censure. If, however, any minor point in a petition should appear to be unfounded or exaggerated, that would be no reason for rejecting the petition altogether, if it were substantially true. But he would not enter into the merits of those petitions, as he would not anticipate the discussion to which they must give birth; for it was impossible that the House should refuse to institute some inquiry with respect to such extraordinary acts of injustice and oppression as those petitions detailed. Reverting to the petition which he held in his hand, the learned member repeated his disacquaintance with the case; but observed that he felt it his duty to present this, or any petition submitted to him, provided it was couched in correct terms. It would appear from the petition, that the tyranny of those by whom such a prisoner was unjustly imprisoned, was to operate, not only during his imprisonment, but throughout his life.

The Petition was then read, setting forth,

"That the Petitioner is an unfortunate individual whom the late unhappy measures of government found innocent and peaceable, threw into gaol, and reduced to misery, he humbly begs leave to lay before the House a short and simple account of the circumstances of his case, premising that he will indulge in no assertion that he cannot satisfactorily establish. On account of the almost total stagnation of trade, about twelve months ago, considerable numbers of weavers and other tradesmen applied to the sheriff of the county for parish relief; this necessarily brought many of them, on several occasions, together, and on the 22d of February last year about nineteen persons of whom the petitioner was one, met in a tavern, to consult about the conduct and progress of the legal application; thus employed, the sheriff fiscal (Salmond) and constables suddenly entered the room, and fell to searching their pockets, in which they found no treasonable matter, in the petitioner's they seized a web-ticket; all were immediately led to prison, where the petitioner was confined for three hours to quite a dark cell on the floor of the prison, from which he was taken to a cell on the upper flatt, a space of seven by six feet, which became his future miserable abode; for four days he got no victuals but such as his starving family could scantily supply, and from the fifth he was allowed eight-pence a day, out of which he paid two-pence a day for coals, nearly as much for light, and was obliged to support nature on the few remaining pence; his bed was a little straw, a light coverlet, and one pair of blankets; the petitioner was four several times examined by the sheriff and fiscal upon matters of which he was not only innocent and ignorant, but which really appeared to have no foundation beyond the examinator's own invention; he was told by the fiscal that he would be hanged if he denied, and when it was observed that innocence was not to be overcome, was finally returned to his cell; all access was denied to him for one month, after that allowed for five minutes once a week; in this horrid situation a favourite child dies, whose distress in death, he cannot sooth, whose remains he cannot accompany to the grave; the petitioner was now seized with a dropsy, which the physician certified would, if confinement were continued, speedily end in death, but his tormentors remained inexorable; to add to his afflictions, he hears that his landlord, weakly alarmed at his situation, has sold all his effects for an arrear of rent, and turned his wife and children to the streets; the petitioner's disease continued, the physician renewed his report, and at length, after a delay of fifteen days from the first report, intimation was given that if he found bail to the amount of 50*l.* he would obtain his release; a humane individual became surety, and after a close confinement of eleven weeks, passed in the utmost misery, the petitioner came out of his cell, falling under disease, without a home to go to, without a penny for himself and family; and here another of his children died; to assist himself in this accumulated distress, the petitioner cited the managers of a Friendly Society, of which he had been long a member, before a justice for a weekly support, but the worthy magistrate observed, very loyally, that as the petitioner had been a state prisoner he could not be a deserving member, and dismissed the application; the petitioner is now to add, in conclusion, that the disease contracted in prisôn still afflicts him, sometimes prevents him from working altogether, at all times to his former extent, and appears to doom him to painful and incurable illness, poverty, and affliction; and he would therefore pray, that the House would be pleased to take his case into consideration, and give him such redress as may appear proper."

Mr. *Finlay* said, that as he had, on former occasions, offered his sentiments on similar petitions, he did not intend to dwell on that which was now before the House; but this he would say, that the allegation of his innocence, which the petitioner so much rested on, was wholly unfounded. The pretended object of the meeting was, he admitted, to devise some means of procuring relief; but the real one was of a very different nature. This statement he founded on the best of all evidence, the confessions of the persons who had been arrested with him, and who formed part of the meeting. With respect to the conduct of the magistrate, it was not what the petitioner had represented. He would boldly affirm that; for he knew all the magistrates in the district, and there never were a more respectable or humane set of men.

Sir *F. Burdett* hoped the House would not take the assertions of the hon. member, though he had given them so great an extent, for absolute proof. The hon. member disbelieved the allegations in the petition, not only because he was acquainted with the circumstances of the case, but, what was a most extraordinary reason, because he knew all the magistrates. Surely such a statement as that did not afford any ground for withholding inquiry.

Mr. *Brougham* asked, what did the argument of the hon. member amount to? He knew nothing of the truth or falsehood of the present petition, but, it seemed, he was acquainted with the groundlessness of petitions that had been drawn up by other persons, with whom the present petitioner was wholly unacquainted. The hon. member would not listen to this petition, because it came from the same quarter from which others had proceeded. Certainly it was from a man—a man of Glasgow—a man who complained of ill-treatment—and that was the whole similarity. Now, though some petitioners might have acted improperly, the petitions of all who complained of ill-treatment were not therefore to be looked upon as fabulous. The hon. member said the meeting was for a very different purpose from that pretended; and this statement he founded on the confessions of certain persons who had been taken. But there was another sort of evidence, which, he was sorry to say, was falling into discredit in that House, namely, the evidence of witnesses before a jury. Why was not the man brought to trial? The hon. member said there was abundance of evidence in the confessions of the persons taken with him, and added to that, Mr. Salmond might have given his testimony. There was then abundant evidence to convict him if he had been guilty of any crime; and why was it not put to the test? Had not this man a right to say, "You knew you could prove nothing against me, and therefore you abstained from bringing me to trial." Surely this was not a fair, a humane, or a decent way of treating an accused person.

Mr. *Finlay* said, he could speak confidently to two points in the petition; first, that the petitioner was not innocent, as he had represented himself to be; and next, that the magistrates had not acted improperly.

Mr. Brougham also presented a petition of a similar nature, from John Keith, a cotton spinner, of Glasgow, one of the persons arrested with the former petitioner. He also presented a petition from William Edgar, teacher of Bridgeton, by Glasgow; setting forth,

"That the Petitioner had the misfortune to be among the selected victims of ministerial vengeance in the late prosecutions for alleged treason, the origin and object of which have now been so fully developed to the country; that the petitioner conceives his case has a peculiar claim to the attention of the House, a case which he presumes is unparalleled in the history of British judicature; that a panel should be three times put on his defence for the same supposed crime, and three times called upon to plead to the same charges in successive indictments; that the petitioner was forced from his school by the imperious fiat of magisterial authority, and immured in a prison, to the great detriment of his health; that though he offered surety for his appearance when called upon, yet it was peremptorily refused; that he was hurried from one prison to another, bound like a felon, and hand-cuffed like a ruffian; that he was shut up in solitude for twenty weeks together; that he had there only the allowance and treatment of a common culprit, and that from his cell he was dragged before a tribunal as often as the pleasure or caprice of his prosecutors suggested; that the petitioner suffered all these indignities innocently, and consequently unjustly, is fully demonstrated by the result of the proceedings, a result which at once vindicated his character and covered his prosecutors with guilt, disgrace, and confusion; that while the petitioner submits his case to the House, and confidently expects a competent redress for the injuries he has sustained; he also hopes that the House will, by a prompt and decisive interference, convince the nation in general, and ministers and their pliant instruments and agents in particular, that such flagrant proceedings will not in future be tolerated, and that the complaints and grievances of the meanest citizen shall not pass unredressed, nor their rights and liberties be violated with impunity; and praying the House to take the case of the petitioner under serious consideration, award him such indemnification for his complicated wrongs as he is in justice entitled to, and, above all, adopt such measures as may prevent the like in all time coming."

Mr. *Boswell* said, that he did not rise to oppose the petition being laid on the table, but to observe that the acts alluded to in this as well as in the two former petitions, were not done under the suspension of the Habeas Corpus act, but according to the ordinary course of law. Therefore if the Indemnity bill were passed, the parties complaining would not be precluded from redress for such acts, if the complaints were well-founded.

Mr. *Brougham* observed, that the justice of the remark which he made last night, namely, that some gentlemen were cheering the measure alluded to by the hon. member, without being aware of the character and object of that measure, was fully illustrated by the observation which the House had just heard. For the hon. member professed to think that the Indemnity bill did not propose to screen from any action at law such acts of oppression as the petitioner complained of, because such acts did not take place under the suspension of the Habeas Corpus; whereas this bill extended to all acts done with a view to what was called the preservation of the public peace, or the suppression of conspiracy, since the 26th of January, 1817. Therefore the hon. gentleman misunderstood this bill, and upon that misunderstanding he should expect his vote against it in future.

Mr. *Boswell* said, that he did not support the bill alluded to upon such specific grounds. He certainly was not aware that this bill extended to the cases stated by the petitioners; but persuaded of the loyal zeal of the persons complained of by the petitioners, he was glad to find that the bill proceeded to such an extent as the learned gentleman had stated, and he should the more readily vote for its adoption.

The Petitions were ordered to lie on the table, and to be printed.

SALT DUTIES.] Mr. *Calcraft* said, he was happy that he should not have to trouble the House on the subject on which he had given notice of a motion, as a committee would be conceded to him on the Salt Duties He had had a communication on that subject with the chancellor of the exchequer, and a committee of 21 members would be appointed. Had the nomination of the committee rested wholly with him, it might, perhaps have been somewhat differently composed; still, however, he was by no means dissatisfied. He should, therefore, move, "That a Select Committee be appointed, to take into consideration the laws relating to the Salt Duties, and the means of remedying the inconveniences arising therefrom."

Mr. *Curwen*, in seconding the motion, congratulated the House on the course adopted by the right hon. gentleman. He believed that the most material benefit would be derived from the labours of the committee, both with respect to the revenue and to the public morals. A revision of the salt duty laws was the greatest boon that could be bestowed on the people. He believed he should be able to prove, that, between two and three millions a year might be saved by a modification or commutation of the duties.

Mr. *Egerton* was extremely glad that a committee had been granted to inquire into this subject. The greatest benefit would be produced by it. The county which he had the honour to represent, suffered much from the existing system. The mischief was great, in an agricultural point of view, but it was still greater, as far as the morals of the country were concerned, which were materially injured, in consequence of the temptation to smuggling, induced by these high duties.

Mr. *Davenport* was very happy that some relief was about to be afforded from one of the most oppressive taxes ever imposed on the country.

The *Chancellor of the Exchequer* said, that the subject, in every point of view, was worthy of the most serious consideration. He hoped those who would be appointed to investigate it, would recollect that those duties afforded a very large revenue; and, if they were withdrawn, that it would be necessary to adopt some other mode of raising a sum equivalent to that given up.

Mr. *Calcraft* said, he never could have proposed to affect so large a proportion of the revenue as a million and a half, which the duties on salt produced, without the idea of finding some substitute. In the present circumstances of the country, it was quite necessary that some substitute should be found, before so much of the revenue could be withdrawn.

A committee was then appointed.

Indemnity Bill.] The Attorney General having moved the order of the day for the second reading of the Indemnity Bill,

Mr. *Lambton* observed, that there were on the paper, two orders before that now moved, which, he supposed ought to take precedence of it.

The *Speaker* said, he believed the understanding of the House was, that no one order had precedence of another. The individual who first caught his eye was, he believed, entitled to proceed. But the House would decide whether the hon. member was misled, as to his notion of precedence, or whether he (the Speaker), misconceived the usual course of practice.

Mr. *Lambton* said, that as the indemnity bill was likely to occupy a considerable time, it would be more convenient to discuss the other orders before it came on. His hon. and learned friend had a motion fixed for that evening which ought to be disposed of before this subject should be brought forward.

Lord *Castlereagh* observed, that as the order now moved was the most important, and as there was no precedence with respect to orders of the day, the hon. gentleman would feel the propriety of suffering the Indemnity bill to proceed, and not put it off till a late hour in the evening.

Sir *W. Burroughs* said, that if the House would calmly consider the provisions of the proposed bill, it would feel it impossible to proceed thus hastily, or indeed without obtaining most necessary information. The bill comprehended three new heads, on which inquiry was absolutely essential, and on which the Reports of the Secret committees were wholly silent, although the present bill was supposed to emanate from their recommendation. These were, the seizure of arms by entering the houses of the king's subjects, the seizure of papers, and the seizure of persons found in tumultuous assemblies. A bill demanding indemnity for proceedings of that character, took the House by surprise. No man, from reading the reports of the secret committees, could have been led to expect such provisions of indemnification. They were to include, not alone magistrates and constables, but even private persons who might have entered the houses of people without any warrant or proper authority. This was an abuse of power not contemplated in any previous discussion of the measure. He put it, therefore, to the candour of the noble lord to say, whether it was not due to the House to obtain information before it was called upon to pass provisions of that extraordinary character? No injury could arise to any party from the delay, as the bill of indemnity had a retrospective operation, and as no legal process could be acted upon during the existing vacation before the next term.

Lord *Castlereagh* observed, that the arguments of the hon. and learned gentleman, though applicable to the bill in committee, did not bear upon the principle of the measure on the second reading.

Mr. *Tierney* denied that the subject could be so well discussed at any other time. If the bill was now read a second time, there could be no future opportunity to correct what formed so material a part of the bill. But the noble lord was so elated by his triumph last night, that he could not think it possible for any man to be right but himself. Reason, and argument, and discussion, must all give way at once before his invincible majority. It was quite evident that one-half of this bill was quite new to the House. The House thought inquiry necessary as to the proceedings towards persons committed under the suspension act, previously to the introduction of any act of indemnity. As to the other proceedings respecting arms, papers, and persons connected with tumultuous assemblies, no inquiry was instituted, and no information was given. The report of the secret committee was surely necessary, or ministers would not have proposed such a solemn proceeding. But the report never glanced at the seizures in question. It had been much insisted on, that no persons had been apprehended for treason, but in consequence of information on oath. Were the searches for arms and papers upon oath? They were bound by their own proceeding to answer this question before they called for indemnity. If the smaller class of violations of law were justified by information upon oath, let it be shown that this larger class proceeded also upon information on oath, which he very much doubted. To search Houses without any such information was an unprecedented exercise of authority; and to carry an indemnity for such an exercise by dint of votes, was equally unprecedented, and still more odious. He would seriously put it to the House, whether five gentlemen in it understood, when the bill was introduced, that it contained any such clauses.

Sir *C. Monck* said, that this was a very serious matter. A search for arms and papers was no slight affair. The House should recollect the manner in which such a power was formerly exercised in Ireland and the oppression to which it gave rise. Any information leading to such a search ought to be received with considerable distrust. By the constitution of England it was every man's right, it was even his duty, he was bound to have arms for the protection of himself, his family, and property. They should consider the time at which the search took place—a time of great trouble and public alarm, which rendered arms more necessary for the purpose of defence. Were magistrates and their agents to be the arbitrary judges of the use to which a man intended to convert any arms found in his possession? Were they to presume a bad intention merely from the circumstance of finding them? When the bill was brought to his house he was astonished, on looking over it, to find an indemnity proposed for those who had thought proper to search for and seize arms. Magistrates or any other men had no right to break open a man's house for this purpose, except at the suit of the king, and even then it was under proper restrictions. They should not pass an indemnity bill for matters which had never been under the consideration of the Secret Committees. If the House was determined to agree to the measure without any time being allowed for inquiry, or for a return upon the three new heads alluded to, it signified little to talk any more about the bill. The sooner they got rid of it the better. It was a mere mockery of legislation to proceed in such a manner.

Mr. *Bathurst* said, that the objection proposed should be made in the committee and not upon the second reading of the bill. In the committee, the House could dispose of the question of delaying the measure until farther inquiry. This was no time for it. The matter did not appear to him in the same light as it did to the hon. baronet. Indemnity should, in his mind, be extended to magistrates on account of searching for arms and papers as well as for any other part of their conduct. This point did not seem to need any particular inquiry. Magistrates had no such general power of search as that alluded to. The question was, whether they would grant them indemnity for their conduct in this respect, acting as they were upon the notoriety of public danger.

On the question, That the bill be now read a second time,

Mr. *Grenfell* said, he should not delay the House long with the few observations he had to make. He could not, however, suffer the measure to pass the second reading with a silent vote. He was one of those who, in the last session of parliament, voted twice for the suspension of the Habeas Corpus. He did so with reference to the report of the first secret committee, from a confidence in the statements it contained, and in the persons by whom it was drawn up. He saw on that committee a noble lord (Milton) the member for Yorkshire, he saw the late Mr. Ponsonby, and others of great constitutional authority, who all gave their support to what the reports set forth. He would confess, however, that when the facts were disclosed upon which the report was founded, they did not appear to him of such a character as he had expected. Still, recollecting what seemed to be the feelings of the metropolis and other parts of the country in 1817; recollecting how the House was assailed with petitions compounded of folly and mischief, which, under the pretence of reform, aimed at nothing less than revolution; recollecting, too, that it was a time of great pressure and public distress, when many of the lower order of mechanics were out of work, and of course desirous of change, he could not repent of the votes he had given. In these circumstances, he owed it to his own consistency to give his support to the bill of Indemnity, and it was accordingly his intention to give it his support in all its stages.

Lord *Lascelles* said, he wished to take this opportunity of stating a few circumstances connected with a petition which had been presented from an individual upon a previous evening. The name of the individual to whom he alluded was Richard Lee.* In his petition, speaking of an unfortunate man named Riley, who had died by his own hand in prison, he said, that to make the cell fit for his reception, he was under the necessity of removing away the clotted blood with his own hands. Upon the subject of this petition, he had received a letter which he would take the liberty of reading to the House. It was from Mr. Staveley, the keeper of York gaol. It would be recollected, that Lee's petition set out by stating that he was innocent of all the charges brought against him. The person whose letter he held in his hand, said, that he was truly sorry to find that he had been deceived in the character of Lee; that he had written to lord Sidmouth, praising him for his good and regular conduct, and stating that he felt sincere contrition for the guilt he had incurred; but that he now seemed disposed to fall back into his former evil practices. On the day he was discharged from prison, he came up, and in the presence of the rev. Mr. Dealtry, a magistrate, expressed himself satisfied with the treatment he had received while in confinement. His warrant was dated on the 22d of July, and he was in prison until December. He never had more than a single iron put upon him of 5 lb., being weighed in the presence of Mr. Dealtry. It was the custom of the place, for the better security of prisoners, to fix such an iron upon them. He had 10½ lb. of bread a week, together with 6*d.* to purchase potatoes, besides which Lee and Riley were allowed 7*s.* a week each by lord Sidmouth. Such were some of the statements in the letter which he had received. Thy were in complete contradiction to the allegations of Lee's petition. The only part of it which appeared to be true was his being associated for some time with a felon who was afterwards executed. At first he was placed in the same room with other prisoners, but the letter went on to state, that he was afterwards removed into the same cell with Riley and Wm. King, who was charged with the murder of his wife; that King was sent there by the directions of the clergyman, that he might have an opportunity of hearing good books read. He was removed on the 25th of July, so that they were not more than five days together, and were only placed in the same room because it was more commodious. This statement seemed, if true, sufficient to do away that part of the petition which referred to his being associated with a felon. Riley was stated to have put an end to his own life in a fit of derangement, arising from close confinement. This language was, no doubt, thrown out with a view of inducing the public to believe that the rigour of his imprisonment was the occasion of his committing suicide. The letter, however, stated, that Riley was first confined at Huddersfield, where he attempted to put an end to his life by hanging himself. This showed that the disposition to suicide prevailed previous to confinement at York. From an affidavit sworn before the rev. Mr. Reid, by a person named Richard Carlton, who was confined at the same time with Lee and Riley, it appeared that previous to the suicide committed by the latter, they lived three weeks together; that when Lee found what had happened, he called out to one of the watchmen of the prison, and a surgeon was immediately sent for; that Lee asked deponent to clean up the blood before the coroner should come, saying, that he would recompense him for his trouble; that deponent according cleaned up the blood himself, without any help from Lee, who was not required, and did not assist in it. Such were the facts conveyed to him in a letter from the keeper of the York gaol. He thought it his duty to lay them before the House, without meaning at all to throw any blame upon the hon. member who had presented Lee's petition to the House. The writer he knew to be a most respectable man in his situation, and for the space of twenty-six years, during which he had filled it, this was the first charge of severity that he ever knew to have been brought against him.

Sir *Francis Burdett* observed, that he did not intend to enter into a detailed discussion at present on the Indemnity bill, particularly as it was his intention to deliver his opinion on it after it came out of the committee, on the third reading. He was anxious to offer an observation on the statement just made by the noble lord. He did not mean to imply, that the person of whom the noble lord spoke did not deserve the character, at the same time that he could not help adverting to the singular kind of phraseology with which he introduced the office of a gaoler; as if, indeed, he was speaking of the vice-chancellor of the University of Oxford. Nothing could be more unsatisfactory to the country than the custom of producing in that House letters from gaolers to answer grave charges of oppression, brought by men who suffered, against them. To such statements, or even to the depositions of prisoners who were under their control or courted their favour, he could pay no attention. What he had himself witnessed during the investigation at Cold-bath-fields had convinced him that no dependence whatever should be placed on these partial representations. The House should not entertain them. If they wished to inquire into the truth or falsehood, they should have the question fully before them in a regular parliamentary shape. Having said thus much on the noble lord's statement, he could not sit down without expressing his surprise at the reason given by an hon. member near him (Mr. Grenfell) for his assent to the present bill. That hon. gentleman was induced, he said, to vote for the Suspension of the Habeas Corpus act on the authority of the late Mr. Ponsonby. Now the fact was, that Mr. Ponsonby had voted against the Suspension act, and the hon. gentleman was therefore deprived of his authority. He thought the other reason of the hon. gentleman equally extraordinary; for it amounted to this—that because the people had been oppressed by want, they ought to forfeit their liberties. One hon. gentleman (colonel Stanhope) had indeed contended, that it was Mr. Cobbett's writings which had created the necessity of suspending the Habeas Corpus. He certainly thought Mr. Cobbett a powerful writer, but he had never imagined that he possessed the degree of influence now attributed to him. It was singular to hear it represented that the government, with the means of bribing and corrupting almost the whole press of the country, in addition to the exertion of their own wit, intellect, and literary talents, should attach so much importance to what was sometimes called twopenny trash, and always described as maintaining doctrines equally false and absurd. Here was an instance, likewise, of a writer making use of no disguise, but publishing his opinions always under his own name, seeking no indirect advantage, like Junius, but fully exposed to the hostility of his opponents. He had no doubt if the hon. member who had represented Mr. Cobbett as so formidable, would send to him the refutation of his principles, with which he had favoured the House, it would be allowed a place in his publication. This reason, however, was perhaps as good as any other which had been assigned for so violent a breach of the constitution. His majesty's ministers well knew that there had been no treason in the country, and that the only conspiracy was a conspiracy to prevent reform. It was, indeed, going too far to plead these miserable subterfuges in justification of a proceeding, which he should always contend the House had no right to adopt. They were appointed to protect, not to suspend the constitution; to extend, and not to withdraw from the subject the benefits and protection of the law. He had already gone somewhat farther than he intended in the present state of the proceeding, and should reserve what he had farther to object, not only to the principle, but the provisions of the bill, till it should have gone into a committee, through which he conceived it to be impossible that it should pass in its present form.

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* For a copy of Richard Lee's petition, see p. 590.

Sir *S. Romilly* thought the subject before the House one which required their most serious consideration. It ought not, therefore, to be hurried through in such a manner as not to allow members to form decided opinions upon it. He did not then mean to enter into the subject, as he understood the bill was to be referred to a committee to-morrow. But when the question should be put for the Speaker's leaving the chair for the purpose of going into the committee, he should oppose it, in order to have an opportunity of making known his opinion on the principle of the bill.

Lord *Folkestone* asked the noble lord whether he wished to enter into the contest formerly mentioned relative to the precedents as to bills of indemnity? If so, he was prepared to prove, that none of the precedents quoted justified the bill now called for.

Lord *Castlereagh* said, he was not prepared to say how far the precedents quoted might apply. His opinions on the subject of precedents were, however, unchanged.

The question being put, "That the bill be now read a second time, the House divided: Ayes, 89; Noes, 24.

List of the Minority.

Althorp, visc.
Barnett, James

Brougham, Henry
Burroughs, sir W.
Calvert, Charles
Folkestone, viscount
Hornby, E.
Heron, sir Robt.
Hamilton, lord A.
Hurst, Robert
Lefevre, C. S.
Madocks, W. A.
Monck, sir C.
Martin, Henry
Newman, R.
Newport, sir John
Ord, Wm.
Robarts, W. T.
Romilly, sir S.
Scudamore, R. P.
Smith, W.
Sharp, Robt.
Tierney, rt. hon. G.
Wilkins, Walter
Wood, alderman

TELLERS.

Lambton, J. G.
Burdett, sir F.

DESTRUCTION OF PROPERTY TAX RETURNS.] The debate on the adjourned motion of the 4th instant being resumed,

Lord *Castlereagh* said, that his right hon. friend had no objection to the motion generally, but to the mode in which it was framed. The operations of a committee on the subject would be very slow and laborious. If a motion for the production of the account, for the inquiry into which the committee was to be appointed, did not elicit sufficient information, farther measures might be resorted to. He would move, therefore, as an amendment, "That there be laid before the House a statement of the measures taken for destroying such books and papers relative to the property tax as were no longer necessary for the public service."

After some conversation between the chancellor of the exchequer and Mr. Brougham, the following motion was agreed to:—"That there be laid before the House a statement of the measures taken for destroying such Books and Papers relative to the Property Tax, under schedule D, as are no longer necessary for the collection of arrears, or the hearing of appeals or other proceedings pending."

HOUSE OF COMMONS.

Wednesday, March 11.

PETITION OF JAMES SELLERS COMPLAINING OF THE OPERATION OF THE HABEAS CORPUS SUSPENSION ACT.] Sir F. Burdett presented a Petition from James Sellers, late a state prisoner in Reading gaol; setting forth,

"That the Petitioner has followed the business of a cutler in Manchester on his own account for twelve years last past; that for nine years he occupied a place in Church-street, Manchester, where he was at work on the 28th of March, 1817, when a Mr. Withington, then high constable, entered the petitioner's shop, attended by a posse of constables; Withington seized the petitioner by the breast, dragged him about, presented a double-barrelled pistol at him, with a bayonet affixed to the end, swearing if the petitioner stirred, he would blow his brains out; at the same time the petitioner had made or offered no resistance; the petitioner asked the liberty to put on his coat, which was refused, having had it off when at work; on his wife offering him his coat, Withington ordered her to stand back, or he would run her through; in that state, without coat, the petitioner was brought out of his shop, together with three strange men who were in the shop bringing or taking away work; and the petitioner's handkerchief was stripped from his neck, and with it his hands tied to one of the three strange men; in that state, under an escort of dragoons, the petitioner, together with others, were triumphantly marched to prison; on arriving there, the petitioner was put into a cold cell or weaving shop, where he remained from five o'clock in the evening until eleven the same night, a cold season of the year, no fire, without coat, and in a bad state of health, which almost starved him to death; at eleven o'clock at night the petitioner was removed to a cell, where he remained until Sunday morning the 30th of March, when he was brought out to have irons put on, which done, he was with others the same morning sent off to London; the weight of the irons, added to the surfeit caught in prison, and a severe blow he received with a large stick from deputy Nadin of Manchester when in irons, very much injured the petitioner's health, the effects of which are at this time felt; on the 31st of March the petitioner arrived in London, and on the 1st of April underwent an examination before lord Sidmouth, when his lordship committed him to the House of Correction, Cold-Bath-fields; on the 9th of April he was a second time examined before his lordship, when his lordship committed him to Reading gaol, there to remain until delivered by due course of law; on the 10th of April he arrived at Reading, about nine in the evening, and on the following morning he, along with John Knight from Manchester, and Nathaniel Hulton from New-mills, Derbyshire, were put into a felon's ward, having nothing but a straw bed to lie upon, neither table, chair, or other necessary in the place; a turnkey named Tucker brought each prisoner a loaf, which should weigh one and one half pound, and informed them that was the county allowance, and which was to serve them until the next day, upon which the petitioner and the other two sufferers asked if they could have necessary subsistence for money, and were informed they might; they then ordered tea or coffee, which shortly after was brought, and also butter; on offering payment, they were informed that the governor would not charge any thing for what they had then had; on the 12th the prisoners were visited by the magistrates; on complaining of their treatment, the governor informed the magistrates, that he had received no orders respecting the treatment of the prisoners, but said, he had wrote to lord Sidmouth for instructions, and until he received an answer he would allow them something better than county allowance; in the course of a few days the petitioner and the other two sufferers were again visited by the visiting magistrates, at which time the governor stated to the prisoners that he had received orders from lord Sidmouth, stating that the petitioner and the other two sufferers were each to be allowed one guinea per week, to dispose of for their subsistence as they saw proper, or he the governor offered to provide them every necessary for the guinea per week each; the petitioner and the other two sufferers concluded to apply their own money, wishing to spare some trifle for the relief of their suffering families at home; the governor sent in a shop-keeper to take their orders; in a few days after, the governor informed the prisoners that he was going to London for farther information respecting their treatment, and would settle with them on his return, the prisoners having then received no money; before the governor's return the shop-keeper was pressing for his money, which the prisoners were obliged to pay out of their own pockets; on the governor's return, the prisoners sent several notes, pressing him for a settlement to enable them to discharge the shop-keeper's second demand, but the petitioner and the two other sufferers got no answer to such application until the 26th of April, having then been in the felons' ward sixteen days without money; on the 26th the deputy-governor informed the prisoners that they were that dav to be removed to separate apartments; on the petitioner and the other two sufferers strongly objecting to such separation before having got a settlement with the governor, calculating from the shop-keeper's demand then unpaid, and the bill they had before discharged, there would be due to each about twenty-five shillings from the promised guinea per week, the deputy governor then informed the prisoners that he was instructed by the governor to say, that he the governor had orders to supply them from his own table for the government allowance of one guinea per week each; finding they could get no money, they were reluctantly obliged to send the shop-keeper's bill to the governor, to be by him discharged; and the same night the petitioner was removed into what they called a state-room, three and a half yards long by two and a quarter yards wide, furnished with a bed, one table, two chairs, and one coal-box, a smokey chimney, and the window fastened down, which precluded the admission of fresh air; in that state-room the petitioner remained shut up from the 26th of April to the 26th of July, excepting the liberty of walking in the yard one hour each day; from the confined state of the room, want of exercise, added to the severities before stated, the petitioner's legs were much swelled, and reduced in health to that degree that it was with difficulty that he could walk about; the petitioner and the other sufferer Hulton (Knight having been removed) were then allowed to be together two or three hours each day; and in a little time longer were permitted to be together all day until the petitioner was discharged, which was on the 4th of December 1817, on entering into recognizance to appear in London at the court of King's-bench on the 23d of January 1818, to answer to a charge of high treason that he was charged with; being conscious that he had committed no unconstitutional act, he did not shrink from meeting any charge that might be brought against him, but could not possibly appear, being without the means; on his arriving in Manchester on the 6th of December, he did not possess more than four shillings and sixpence, and found that his landlord had, without any process or colour of law, the same week the petitioner was sent to London, forcibly took possession of his shop, tools, &c., giving the petitioner's wife a very few necessary articles of furniture, which have been disposed of by the petitioner for subsistence since his return, not being able to get any employ, and having no tools to work with at his own business; his landlord on taking forcible possession placed another cutler in his shop, who continues to use the tools and possesses the business of the petitioner, who is now in a most wretched state, the little he and his wife procure to subsist upon being from the nearly exhausted bounty of a few friends; having suffered in the most severe manner in consequence of the suspension of the Habeas Corpus act both in person and property, as well as the loss of his tools and business, through the most unjustifiable and unconstitutional proceedings of administration, the petitioner is most reluctantly obliged to throw himself on the protection of the House, for such redress as they in their wisdom may judge necessary, relying on the justice and liberality of the House."

Ordered to lie on the table, and to be printed.

Indemnity Bill.] The Attorney-general having moved the order of the day for going into a Committee on the Indemnity Bill,

Sir *Samuel Romilly* rose. He said that as the objections which he had to the bill, were objections to the principle of it, or rather to the different principles upon which the different parts of it proceeded, he ought properly to have stated them upon the second reading, and it was his intention to have done so. It was through deference to the opinion of others, and not from his own judgment; that he had, thin as the attendance was, when the bill was read a second time, deferred his object to the present stage of it. He should, however, now resist the bill proceeding any farther. Whether considered by itself, or as a precedent which would be acted on in future times, it appeared to him to be a measure most objectionable and most dangerous. It was improperly called a mere bill of Indemnity. The object of Indemnity was only to protect individuals from public prosecutions to which they might have exposed themselves, but without interfering with the rights of private individuals; but the object of this bill was to annihilate such rights. Its true description was a bill to take away all legal remedies, from those who had suffered from an illegal and arbitrary exercise of authority, and to punish those who presumed to have recourse to such remedies by subjecting them to the payment of double costs. Upon the importance of such a proceeding, it would not be necessary for him to enlarge. If in nothing else, yet in this, even the supporters of the bill, he presumed, would agree with him, yet nothing but unjust necessity, nothing but a clear demonstration that the safety of the people, which was the supreme law, required it, could justify parliament withholding the protection of the law, and closing the tribunals against those who were demanding justice: and the only question would be, whether the public safety really called for such a measure? The rendering justice to the injured was the first object of all governments. It was peculiarly that of the British constitution. Ours was pre-eminently a government of law and justice. In the Great Charter of our liberties, one of its most sacred provisions was, that justice should be denied to no man. When any sovereigns enter on the discharge of those sacred duties to which they are called, the solemn oath they take is, to administer law and justice with mercy in all their judgments; and it had hitherto been the proud boast of this country, that there was no man so poor and abject as to be below the protection, nor so powerful as to be above the reach of the law. When, therefore, parliament was about to declare, in violation of principles hitherto so religiously adhered to, that for a certain class of British subjects there should be no law and no justice, it behoved it at least to proceed with great caution and deliberation. The duty the House was about to discharge was no less solemn than a judicial duty. It was, in truth, sitting in judgment, not upon one, but upon a great number of individual cases, and with this strange disadvantage, that it was deciding in total ignorance of all the circumstances of the cases upon which it decided. It was declaring, that the injured should have no redress, without knowing the number, the nature, or the extent of the wrongs of which they complained. Upon a proceeding so extraordinary and so hazardous, it was impossible to enter with too much care and anxiety.

There were only three objects which the bill had in view; first, to protect the ministers in the acts of authority they had exercised: secondly, to indemnify magistrates in the acts they had done for suppressing insurrections, or guarding against imminent danger to the state: and, thirdly, to protect private individuals who have given information to government, from the danger which is supposed may attend the disclosure of their names and of their evidence. As far as the bill related to the first of these objects, it had been considered by many persons in a very erroneous point of view. Several gentlemen, particularly the member for Bristol (Mr. Protheroe) and an hon. member who was at this moment advancing to his place (Mr. Marryat), had said, that parliament having given extraordinary powers to his majesty's ministers, were bound to bear them harmless in the exercise of these powers, unless it should appear that they had been abused. A more mistaken notion than this could hardly be entertained. For the exercise of the powers given by parliament, however they might have been exercised, the ministers wanted no indemnity. The act that gave the powers indemnified ministers in the exercise of them. Whether the bill passed or not the conduct of ministers could never be called in question in any court of justice, for having done what parliament had declared that it should be legal for them to do. An indemnity had been thought necessary when ministers, in times of scarcity, had taken upon themselves to lay an embargo on the shipping which there was no law to authorize but when an act of parliament had previously passed to sanction such an embargo, who ever heard of an indemnity for the ministers who had commanded it? And yet so little is this bill understood, in such ignorance of its true nature is it disposed of, that gentlemen have voted for it as a necessary consequence of the Suspension act, though the Suspension act could not possibly make any indemnity requisite. If ministers are to be indemnified, it must be for conduct which the Suspension act did not authorize—it must be, not for detaining men in custody under that law, but for committing them to prison against all law. It has been said, indeed, by the attorney-general, and it was said before by the noble lord (Castlereagh), that the ministers have not in a single instance committed any man but upon informations taken upon oath. If this be so, what occasion have they for an indemnity? What authority, however, beyond that of the ministers themselves, communicated to the Secret Committee, had the House for this fact? It should be observed, too, that these informations upon oath of which ministers talk so much, if the persons who gave them were previously assured that their names should not be disclosed, and their depositions should not be used, afforded no security whatever against the most unjust and cruel imprisonment. An oath derives its sanction in courts of justice, from the knowledge of the party who takes it, that if he swears what is false, he may be prosecuted and punished for the evidence he gives; but a man whose testimony is to remain for ever in secrecy, swears under no such check; upon his evidence there is no restraint but that which religion imposes, and to a man wicked enough to bring forward a false accusation to gratify his resentment or his malice, religion can have little influence. The secret informations thus given being only to lead to commitment, but not to be made the ground of any farther proceeding, ought not, though given upon oath to have been considered as affording any ground for depriving men of their liberties. The evidence upon which magistrates are authorized to commit men, is that evidence upon which they are afterwards to be brought to trial. It is to answer that charge that they are committed, and not upon the chance that some other charge may be brought against them.

Ministers, it was said, had not in any instance abused any of the extraordinary powers they had exercised. This might be so; but the House had no reason to say that it was so, they had no information on the subject, but what ministers had themselves thought proper to afford. The only inquiry that had taken place was one conducted in secrecy, by the ministers themselves? All other inquiry the House had rejected, though their table was loaded with petitions and complaints. It had pleased, indeed, an hon. gentleman, the member for some place which he did not recollect, and whom he knew not how to describe otherwise than that he was the gentleman who professed to speak only that he might prove his own consistency, and that he might vindicate the character of parliament (Mr. Fremantle) had said, that all the petitions that had been preferred were disproved. In this statement, the hon. gentleman must surely have confounded proof with assertion. Some of the facts contained in some of the petitions had been denied, but none had been, or ever would be disproved, for the House had resolved that all opportunity of proof should be refused. It was not true, however, even that the petitions had been met with a denial. Of eleven petitions which had been the subject of one night's discussion, there were only three of which any of the facts were denied; all the facts of all the others remained undisputed. The House had refused all examination—it had rejected all proof—and it was now about peremptorily to decide. It was was about to declare that there should be no investigation even in the ordinary course of justice, and to exercise the powers of the legislature by closing up the avenues to our tribunals.

But there had been an inquiry, it was pretended, by the committee,— committee named by the ministers, and upon which they had not blushed to nominate themselves. It had been declared by a right hon. gentleman (Mr. Canning) in the first reading of the bill, that his majesty's ministers had taken no part in the debate, because it was a subject on which it became them rather to submit to the opinion of others, than to take any prominent part themselves; and yet those ministers who pretended to be so modest in public, had no objection to name their own committee, to become themselves the most active members of it, to supply all the evidence, to bring forward, and to keep back what they thought proper, and thereupon to draw up their exculpatory report. He thought, he confessed, that their conduct ought to have been just the reverse of this; that they should have left it to others to prefer complaints, and endeavour to substantiate them by proof, and that they should themselves have stood forward in that House openly to make their public defence. It was alleged, indeed, that the secret committee was of the choice of the House, and not of the nomination of ministers; and it had been gravely said, that a nomination by ballot excluded the influence of ministers, and gave the fair result of the opinion of the House. Such might be the effect of a fair ballot, but not of a ballot where the minister sent round to his adherents lists of the persons who it was his intention should compose the committee. Such a proceeding must defeat the object of a ballot, the principle of which was, that no man should know how another voted. It was to substitute for a ballot a secret cabal. It was not true that ministers obtained the committee they wished, because they had the confidence of a majority of the House which would have named the same committee by open vote. When questions were decided by open vote, ministers were sometimes left in a minority, but when they proceeded by ballot this never could be the case. The House was divided into different parties; the ministerial party, which was the largest, or they would not continue ministers; the opposition, which was necessarily a smaller party, but when assisted by other parties which existed in the House sometimes, became the majority, a considerable party were those who professed to be of no party, but to be neutral or independent. Other gentlemen did not object to party altogether, but were retiring from one party and approximating to another, they might be said to be, in the legal phrase, *in transitu*, votes of the members of these different descriptions were rendered inefficient when ministerial lists were circulated If, indeed, ministerial and opposition lists were made out and sent to all the members they might choose between them; but this was not the case. No lists had, ever since he had been in parliament been made out by the opposition; nor did the ministers send their lists to all the members, but only to their firm adherents, on whom they could securely rely. To the gentlemen who highly professed independence and to the gentlemen who might be said to be on their passage, it would probably be thought an insult to send these prepared lists: and it was quite unnecessary; for where lists were made out by one party and all the rest were acting without concert, a considerable minority of the House must necessarily produce a majority of concurring votes. Accordingly, when the committee was named it was by 103 votes and 97 of the lists (as was declared by one of the scrutineers) were all in the same hand-writing. The time would probably soon arrive, when through economy, the members would vote with printed lists. It was a committee thus named, it was themselves and their nominees, that the ministers had satisfied that their conduct had been free from all reproach.

But suspensions of the Habeas Corpus had always, it was said, been followed by acts of indemnity; and in proof of this precedents had been resorted to. Of those precedents there was not one, except those of 1801, which could be said to be in point. It was true that at the Revolution, and at the two rebellions of 1715 and of 1745, the Habeas Corpus had been suspended, and there had been acts of indemnity; but those measures had no connexion with each other, and the indemnity was, in no one of those instances, a consequence of the suspension. The dangerous state of the country at those periods had produced both proceedings, but the indemnity was necessary, not because the Habeas Corpus had been suspended, but because the country had been in a state of war, and it had been necessary to seize on property, and to do many illegal acts for the national defence. If the Habeas Corpus on those occasions had not been suspended, yet the acts of indemnity would have been necessary. When the suspension took place upon bishop Atterbury's conspiracy, there was no indemnity. When in the American war there was a partial suspension of the Habeas Corpus, no indemnity followed. And, on the other hand, when in 1780 a successful insurrection had for a time triumphed over the government, and the exertions of a power beyond the law had become necessary, though the Habeas Corpus was never suspended, an act of indemnity was passed. The precedent of 1801, however, was certainly in point; but it was a precedent to be avoided rather than followed. So great was the injustice done by it, that taking away all remedies by a sweeping provision for wrongs that might have been done in the course of the eight preceding years, it reversed judgments recovered, and punished the injured party by making them pay double costs for having brought actions when it was perfectly legal to bring them, which had been brought months, or even years, before any such retrospective measure was in contemplation.

It was, indeed, with a view to the second object of the bill—the protection of the magistrates for illegal acts of power committed by them—that those precedents could alone be resorted to. It would not, however, with any semblance of truth, be pretended that the country had in the course of the last year been in any such state as could call for the exercise by the magistrates of any thing more than the legal power with which they were invested. There had been no rebellion, no civil war, no successful insurrection. The acts of indemnity relied upon had been justified by the state of the country which had been matter of public notoriety. It was not, then, necessary to have secret committees, and sealed bags, and a mysterious concealment of evidence to apprize the House that it had been necessary for the public safety, that ministers should act with promptitude and decision, and without regard to strict rules of law. The attorney-general, indeed, seemed to have admitted that Manchester was the only place where the exercise of such powers had been necessary, and yet the circumstances of this Manchester conspiracy had been designedly concealed from the public. The persons who had been taken into custody were not permitted to be tried at the assizes which followed their commitment. Government had removed the indictment by Certiorari into the King's-bench, for the express purpose of preventing the trials, and when at the summer assizes the trials were to have taken place, the gentleman who appeared for the attorney-general, making a show of clemency, and alleging that there was no necessity to make examples when perfect tranquillity had been restored, declined calling any witnesses, and all the prisoners were acquitted. Could there, then, have been any occasion to go beyond the authority of the law in their commitments, unless government, knowing that they had no evidence whatever against the prisoners, and that they ought to have been discharged at the first assizes, had kept them in custody without any pretext, and then pretended to gloss over their injustice with a show of generosity and mercy.

What he complained of principally was, that the House was kept in the dark; they knew nothing of the nature of the acts for which an indemnity was to be given. The operation of the bill was carried back to the 26th of January; but why it was so carried back, the House had never been told; in none of the Reports of either of the committees, in those of the last session or in those of the present, was any fact mentioned which led to that particular date. Some dark and mysterious purpose must be in view which was kept profoundly secret. Surely the House—merely that part of it which professed to be independent, and not to be under the influence of government—would not vote with so blind a confidence in ministers as to extend this total denial of justice to a period beyond that which was mentioned in any of the reports on which this proceeding was founded, merely because ministers had chosen so to frame this bill. If they would, it was plain that ministers might have carried back this abolition of law and justice to any period that they had thought proper, and that a confiding parliament would have voted it. It was of most dangerous consequence by such a bill to inform magistrates that whenever the Habeas Corpus was suspended, they might exercise what acts of authority they thought would be most agreeable to the ministers, and that every thing would be covered by an indemnity. The magistracy of the country were a most respectable body of men, and were entitled to the gratitude of the public for their most important and gratuitous services; but among so many individuals it was impossible that none should be found disposed to recommend themselves to government by the violence of their proceedings. The petitions upon the table furnished evidence how grossly the law might be violated where there seemed some invitation to it by ministers. He alluded to the petitions of the two booksellers at Warrington,* who being charged with no higher offence than the publishing of a libel, had had their houses searched, their books and papers seized, and had been themselves loaded with irons like felons, and committed to the House of Correction, and kept to hard labour, before any trial had taken place. This complicated violence of all law, in seizing papers, which by a solemn judgment in the case of Entick *v.* Carrington,† had been declared to be illegal, in punishing before any guilt was established, in treating suspected libellers like convicted felons—all this was to be traced to lord Sidmouth's Circular Letter,‡ and a stronger instance could hardly exist of the mischief of government interfering with magistrates, and prompting them as to the mode in which they were desirous that their judicial functions should be exercised. There was another case of the same kind, but of still greater cruelty, for which, indeed, he had no better authority than the newspapers, but it had been repeatedly stated without contradiction. It was the case of a man of the name of Swindells,§ whose house had been broken open in the dead of night, and his books and papers seized. His wife was at the time far advanced in her pregnancy; the terror produced a premature labour, which caused the death of herself and of the child; and another infant, the only remains of the unhappy man's family, was, when he was dragged to gaol, conveyed to the parish workhouse, and from thence, in a short time, to the parish burying ground. The man, however, had been guilty of no crime. His family was destroyed—he was himself discharged from prison, impoverished, ruined, a widower, and childless, because some unfounded charge had been brought against him. Such wrongs it seems were to remain unredressed; but though the parliament might pass suspensions of the laws of the nation, it could not suspend the operation of the laws of God and of nature. It might exempt the authors of such injustice from actions and from prosecutions, but it could not protect them from the reproaches and the tortures of their own consciences.

An hon. friend of his (Mr. Lambton) had called this bill the winding up of that system of injustice which the ministers had been acting on: he wished that it could be so considered. To himself, however, it appeared rather as a prelude to farther exertions of power, and to future denials of justice. The reports of the committees of both Houses declared, that it would be necessary for the magistrates to persevere in the same exertions as they had hitherto made. "It appears)" say the Lords committee, "that the continued vigilance of government, and of the magistrates in the several districts which have been most disturbed, will be necessary."* The committee of the Commons state this still more strongly: "Your committee," they say, "would deceive the House, if they were not to state it as their opinion that it will require all the vigilance of government, and of the magistracy to maintain the tranquillity which has been restored."† It has been necessary, therefore, to violate the law; fresh violations of it by the magistrates will be necessary, and a better ground is thus laid for a bill of Indemnity in the next session for those illegal acts of authority which the magistrates seem thus encouraged to commit, than any which at the present moment exists. To what scenes of horror this contempt of law, this familiarizing men to tyranny on the one hand, and to a refusal of justice on the other, may ultimately lead, the events which passed some years ago in Ireland too clearly show. He had no desire to embitter their debates with personal charges against any individual, but the transactions of that time were too important, and too instructive to be passed over in silence on the present occasion. It had been said by a noble lord (Castlereagh), that it was desirable that those events should be buried in oblivion. He could not agree to this. It would have been happy indeed if they had never existed, but having existed, they held out so awful and so instructive a lesson to us, that they ought never to be forgotten. They formed a most important part of our history, and an impartial posterity would do justice to all who were concerned, to those who were actors as well as to those who were sufferers in those dreadful scenes. He had no intention of disgusting the House by entering into those horrible details, they must have been read of by all who heard him, and no man who had read could forget them. In the violence of party, cruelties which could not be heard without shuddering, had been treated in a British House of Commons with such levity, that it had been facetiously said, that the outcry which had been raised, was only for a Catholic's having got a sore-back. To such a want of feeling—to such excesses of cruelty—had men been insensibly led when once they had departed from the paths of law and of justice, and had familiarized themselves with acts of violence, and of arbitrary power; and all this, let it be recollected, had taken place under the mild government of king George 3rd, exercised by a vice-roy, in his name and by his authority.

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* See pp. 742, 744.

† See the Case of Seizure of Papers. Howell's State Trials, Vol. 19, p. 5.

‡ See Vol. 36, p. 447.

§ On the 13th of March a petition was presented from Robert Swindells. It will be found in the proceedings of that day.

* See p. 573.

† See p. 681.

It remained for him to speak of the third object of the bill—the protecting those who had given information to government, from the supposed danger that would attend the discovery of their names, and the disclosure of their evidence. In England this was a policy quite new and unheard of. It is true, that in the act of 1801 (that precedent which, for the reasons already given by him, was so little worthy of being followed)—it was true that in that act a similar recital was to be found as in this, namely, that "it was necessary, for the safety and protection of the persons by whose information and means traitorous designs had been discovered, and for the future prevention of similar practices, that such information and means should remain secret;" but the circumstances of those times were quite different from the present, and the danger then to be guarded against was one that could not now exist. That act was passed in time of war. The traitorous designs then spoken of were an alleged correspondence with a foreign enemy, and the information received, was said to be from persons then in the power of that enemy. The danger to such persons from disclosing their names was palpable and imminent. But the danger which it is pretended now exists, is from popular outrage or private revenge, against those who may have dared to give evidence against offenders. But what symptom has ever yet discovered itself of any such feeling in this country? In Ireland, indeed, such a disposition has sometimes been seen, but in England it is altogether unheard of. No complaint of the kind has ever been made. No alarm at it has ever been expressed. None of the reports of the Secret Committees make any mention, or has any allusion to it. At Derby, in London, at York, there appeared no unwillingness in any witness to give his evidence—no fear had been entertained, no threat had been used, no violence had been attempted—the most perfect security prevailed among the witnesses, and nothing had happened to impede, in any way, the due administration of justice. It was plain, then, that this was an unfounded pretext. It was not that the government supposed there was any danger, but they were desirous of concealing the unworthy means which had been used to obtain information, and of sanctioning the future recourse to this new system of employing spies and informers which they had adopted and avowed. That system, however it might be defended or applauded in that House, he should always reprobate. The most odious and most decried expedients of the worst and most arbitrary governments were, it seems, justified by his majesty's ministers as the legitimate and constitutional mode of administering the free government of this country. One of his majesty's ministers (Mr. Canning) had endeavoured to turn into ridicule those who condemned the immoral artifices by which such a system was carried on, and in doing this he had represented morality itself as ridiculous. Confounding together the employment of spies, and the receiving information from any who might be disposed to give it, though no person who condemned the former had made any objection to the latter conduct in government. Confounding these things, or rather, to make his ridicule more powerful, representing them as the same, he had imagined a humorous dialogue between the informer and the magistrate, in the course of which polygamy, and a neglect of every moral duty had been represented in so facetious a light, that the House had forgot in its merriment what had really been complained of, and seemed not to know that it was sanctioning the base frauds and duplicity with which the employment of spies must be attended.

Another of his majesty's ministers, a graver person, and one who seems not to think it very becoming to treat such subjects with levity (Mr. Bragge Bathurst), came forward with high authorities to countenance the practice. Lord chief justice Holt, it seems, and lord chief justice Eyre had approved of the employment of spies. When, however, lord chief justice Holt was allowed to speak for himself, and the right honourable gentleman came to read his speech, it turned out, that though that learned judge justified the receiving the testimony of informers, he had not uttered a syllable about the employment of spies. If lord chief justice Eyre had approved such employment, it would indeed have been matter of surprise. He was an excellent judge and an excellent man. He had the merit of raising himself by his learning, his talents, and his admirable qualities as a judge, to preside first in the Exchequer, and afterwards in the Common pleas; and it certainly was not by rendering himself, while a puisne judge, agreeable to those in power, or subservient to their will, that he had owed his promotion. All, however, that chief justice Eyre had defended, was the sending witnesses to be present at an unlawful meeting to observe what passed there, and to give evidence of what they had seen. He had never attempted to justify the employing men to act the part of active conspirators, that they might be able to bring to justice the men they had excited by their example, and encouraged by their doctrines.—Offence had been taken at the expression of there having been spies fitted out by government. The expression was surely not too strong for what had really taken place. Upon the examination of Castles, it appeared that he had been dressed at the expense of the prosecution to give him an appearance that he was not entitled to, and that his wife had been by Mr. Stafford of the Bow-street office sent out of the way that she might not appear upon the trial. Oliver had been sent into the country with the knowledge of government, as a delegate from a London society. He was not sent expressly to excite disaffection, but his bearing the character of a London delegate must of itself have had that effect. The unhappy misguided men who had been betrayed into the crimes which they had committed, were seduced by a belief that great numbers were ready to rise in the metropolis and in other parts. Upon the trials at Derby, this belief appeared to be the immediate cause of the insurrection. Nothing could give such credit to this rumour, as the appearance among them of an accredited agent from the London conspirators. Oliver was himself the living proof of the strength and the boldness of the men on whose co-operation they were taught to look for support. But the ministers by whom Oliver was employed did not intend that he should take the active part which he was found to have done; and yet what must be the sagacity which could have failed to foresee that, employed as he was, it was impossible that he should not excite and inflame the crimes he was sent to detect. He had no interest, the right hon. gentleman (Mr. Bathurst) had said, to increase the discontents of the people; as if the magnitude of his services did not depend upon the greatness of the evil, and as if the reward he might aspire to, would not be commensurate to the dangers from which he might seem to have rescued the state.—But it had been said, that at least Oliver must have found the persons he mixed with disaffected, or, whatever might have been his inclination, he could have made no impression on them;—if he held such seditious language to them as is represented, their own criminality is made evident by their not having denounced him to the magistrates. That the people who were unemployed, and who were in want of bread, were impatient of their sufferings, and ready to listen to any instigator of mischief, has never been denied: but did that lessen the guilt of those who, instead of endeavouring to calm and instruct them, sent amongst them pretended missionaries still farther to irritate and to inflame them? The defence thus set up for the ministers was not unlike that which Vaughan and his associates had offered for themselves. He did not speak of Brock, and Power, and Pelham; theirs was a case of such enormous guilt as rarely appeared, even amongst the most depraved and profligate of mankind—that of entrapping men who were perfectly innocent, and giving them the appearance of committing crimes, that they might share amongst themselves the reward which was to be gained by shedding their blood; but Vaughan and his accomplices had made the same defence as was set up for the ministers. The men whom they had seduced to commit the crimes of which they had afterwards accused them, had long quitted the paths of virtue and innocence; they were of profligate habits, were reputed thieves, and ready to commit any crime which opportunity afforded. When coming from the lips of those wretches, this defence was rejected with disgust; though when offered for his majesty's ministers it seemed to be listened to with some degree of favour.

It was this detestable system of employing spies, the instigators of crimes, that the bill was adapted to sanction. A system which, it seems, was to be acted upon in future times; and it was the danger of weakening it which made it necessary that an impenetrable veil should be thrown over all the information which government had received. Great as the evils were which belonged to this measure, when considered by itself, they shrunk into comparative insignificance when it was considered what a precedent the House was about to establish, and what was to be the future government of England. In time of profound peace, on any appearance of discontent, or any alarm of insurrection, the Habeas Corpus might be suspended; and the suspension having once taken place, magistrates were at liberty to disregard all law, to exercise what arbitrary acts of power they thought proper, spies and informers were to be busily employed to betray the rash and inconsiderate, who were labouring under the pressure of penury and distress, to their destruction, and under colour of an indemnity, a total denial of justice was to prevail, for those who had suffered the most grievous wrongs.

That this example may appear in the greater force to future times, our Journals will preserve that long detail of multiplied sufferings which are enumerated in the various petitions that have been presented to us, and with them the record of our having twice refused to institute any inquiry into the truth of them. When those who are to come after us shall suffer under the evils we are now inflicting on them,—when their liberties shall be violated after the example which we are establishing, and they shall reflect with bitterness on the memories of those who have been the authors of all their wrongs, it is at least some consolation to us to reflect that it will be remembered that there was a small number of members of this House who endeavoured to avert this evil, who, though overpowered by numbers, and discouraged by the triumph of a confident majority, yet made the best stand they could in defence of the constitution, the laws, and the liberties, which had been transmitted to them by their ancestors, and who feel more satisfaction in having thus discharged their duty, though without success, than their opponents can derive from the victory they have gained. That victory is, in truth, one which will sully all the trophies that, in the course of the present reign, have been obtained; and since it is a victory over liberty, and law and justice, it may now be truly said, in the language of the immortal bard,

> "That England that was wont to conquer others,
> Has made a shameful conquest of herself."

The *Solicitor General* hoped, that in considering the question before them, the House would fully consider the circumstances which led to those acts, which the bill was required to protect, and which had been ingeniously kept out of sight by the hon. and learned gentleman, who had in the whole of his argument confined himself to the abstract consideration of a bill of Indemnity, without at all taking into account the peculiar circumstance under which the present bill was called for. It had never been said by his hon. and learned friend (the attorney-general), nor by any other hon. member, that a bill of Indemnity was a necessary consequence of a suspension of the Habeas Corpus act. That was not the argument intended to be used in support of the present measure. The principal question for consideration was, whether the circumstances which took place under the late Suspension were such as to warrant ministers in calling for a bill of Indemnity. He would call upon the House to consider seriously what had taken place in the last year, and after such consideration, he would say that it would be dealing unfairly, both by ministers and magistrates, to refuse them the protection required. If they recollected what happened last year they would remember that the state of the country was such as to induce parliament to suspend a part of the liberties of the people. The papers laid before the committee last year clearly proved that a treasonable conspiracy existed in the country, and the report of that committee recommended to parliament to arm ministers with a power sufficient for the preservation of the public tranquillity. Ministers applied for such power and obtained it. When the power thus vested in ministers was about to expire, another committee was appointed, to whom the state of the country was referred, and in consequence of the report made by that committee ministers were allowed to retain the power vested in them for a farther period. The disturbed state of the country was the cause of ministers having been armed with that power, and as soon as the disturbances were quelled, and that such power was no longer necessary, ministers voluntarily resigned it, although the period for which it had been entrusted to them had not expired.

But another question now presented itself, and it was, whether an indemnity ought to be granted as an act of justice to those to whom the execution of the trust contemplated by the acts of suspension had been confided. And here he must at the outset, deny the proposition of the hon. and learned gentleman, that no indemnity could be desired, except for the purpose of guarding his majesty's ministers against the consequences of their unjust or illegal acts. He distinctly denied that the present measure had ever been introduced, or supported, on the presumption that ministers had been guilty of the least irregularity. The reports of committees appointed by the House had led to the two acts of Suspension, and, together with the report recently received from a third secret committee, could never be laid aside in the consideration of this measure. Although the bill of indemnity was not their necessary consequence, its merits could not be fairly understood without a constant reference to them. Those merits depended on the statements of the two earlier reports, and the degree to which they had been substantiated and verified by events that occurred subsequently. It was likewise an important part of them, that the authority of the last committee directly sanctioned the belief, that although a traitorous conspiracy no longer existed, yet that the disposition out of which it had before grown remained unaltered and unabated, as far as could be judged from the conduct and declarations of those who had been already the principal objects of suspicion. It was not he repeated because ministers had outstepped the law, or had exceeded the powers vested in them, that the bill was called for; on that ground there was no occasion for such a measure. That however, had been the ground of the hon. and learned gentleman's objections to the bill. But he would show, when he came to that part of the hon. and learned gentleman's speech, that the bill was called for on very different grounds, although he did not mean to go into the detail of the subject at that moment, as a proper time would come for such discussion.

The hon. and learned gentleman had divided the objects of the bill into three distinct heads: first, the protection of ministers; secondly, the protection of magistrates; and thirdly, the protection of all persons from whom any information had been received. The hon. and learned gentleman had asked, why, if the law had not been exceeded by ministers, was a bill of Indemnity called for? To this he would answer, that ministers were not anxious to have a bill of Indemnity passed on their own account, as they could easily justify themselves for what they had done. But they were desirous that the sources from which they had obtained information should not be at present disclosed. Such information had in a great part, been received under the seal of secrecy, and the persons from whom it was received, could not fairly be pointed out to the public. Those were the grounds on which ministers called for a bill of Indemnity. Besides, it was found, that though there no longer existed a necessity for the suspension of the Habeas Corpus act, yet such was the state of the country, that the utmost vigilance was necessary, as there still existed in the minds of many persons a disposition to disturb the public peace—there existed, in fact, a spirit of disaffection, which, though not equally dangerous as at former periods, required a strict watch to be kept over it. This being the case, it would be highly improper to point out those persons whose information enabled government to check in time those evils which threatened to overrun the country. If that were to be done, and it must inevitably be the case, unless a bill of Indemnity be passed, it would point out those persons to the malice of the disaffected; and would, at the same time, induce them to keep their machinations more secret in future.

The hon. and learned gentleman had dwelt with particular emphasis on the enormity of authorizing, by virtue of this bill, the proceedings of those magistrates who had searched the houses of individuals for papers, under the authority of lord Sidmouth's circular letter on the subject of libels. Surely the hon. and learned gentleman had not read the recital of this bill, when he ascribed such an interpretation or meaning to it, and dwelt with so much pathos and effect upon the evil of such a construction. The hon. and learned gentleman, had, however, presumed that such was the nature of the bill, and consequently diverged into much matter not at all connected with it; for he maintained that it could not possibly be construed to apply to the apprehension or seizing of papers of any, except persons suspected of treasonable practices. If, in such cases, magistrates had overstepped the strict legal limit of their authority, in search of evidence so material to the discovery of the treason, would the House say that their meritorious exertions did not entitle them to legislative protection?

Sir *S. Romilly* said, across the table, that in such cases the magistrates would have acted according to law.

The *Solicitor General* in continuation remarked, that all then which could be alleged against the bill was, that it was unnecessary. He must repeat, with reference to the case of Swindells, upon which so much had been said, that no man who calmly considered the present bill, could believe that it would embrace that case, and all allusion to it was therefore inapplicable to the question. Swindells, if he had suffered as had been described, would not be shut out from his legal remedy by the operation of the present bill of Indemnity. All arguments founded on the case of that person must therefore fall to the ground. Magistrates were entitled to protection, as they were obliged to act from the spur of the occasion, and ought not to be liable for their efforts to preserve the public peace.

Another objection which had been urged, not against the measure so much as the conduct of administration, was, the number of persons discharged after bills of indictment found against them, without being brought to trial. But the hon. and learned gentleman must be aware that many had also been discharged before indictments found; and was not the only point for consideration, therefore, whether the magistracy in the districts where the disturbance had prevailed ought to be indemnified or not? Might they not, under a general impression of alarm, and in their anxious endeavour to preserve tranquillity, have been sometimes induced to do what they could not entirely justify in a court of law? The precedent of the year 1780 was immediately in point, and strictly justificatory, in all the leading circumstances on which it was founded, of the measure now under consideration. Such measures had always had their rise in a real or imaginary necessity; and although that necessity must always be a question of degree and matter of opinion, yet, if once admitted, the inference was undeniable that the magistrates ought to be protected. Some hon. members might view the subject in a different light from him; but in whatever light it was viewed, it would appear that danger had existed, and that strong measures were necessary, and on that ground the House was called upon to sanction the proposed measure. As to the hon. and learned gentleman's argument on the subject of witnesses, and of each succeeding precedent of this nature outstepping the limits of former ones, he had admitted in another part of his speech that in this respect the present measure did not go quite so far as the act of 1801. The ground upon which all the provisions now submitted on this subject were brought forward, was, not for the purpose of screening particular individuals, but because it was deemed unsafe and inconvenient for the public service, by disclosing their names, to take from government the advantage of employing them in future. The next subject to which the hon. and learned gentleman had adverted, was the employment of Oliver, the spy, as he called him. He stated, that he found it impossible to distinguish between him and Vaughan: although really it was impossible to conceive two cases more dissimilar. But the hon. and learned gentleman said, that Oliver was sent into the country, for the purpose of encouraging and fomenting the disturbances, that he might betray the parties with whom he pretended to act.

How did this statement correspond with the first Report of the committee last hear? At that time Oliver had not been heard of, and yet it appeared from that report, that there did exist an extended conspiracy in the country. A right hon. member, now no more (Mr. Ponsonby) had stated such to be his opinion; yet, with this fact, proved to conviction, it was argued, that all the treasons and plots, and conspiracies, which existed in the country last year, were caused by Oliver. It was argued also, that Oliver having gone to the country in the character of a delegate, was the means of increasing rather than allaying the disturbances. Did the hon. and learned gentleman mean to say, that ministers sent Oliver in such a character and for such a purpose? He hoped he had too much candour to form such an opinion. When Oliver had given information to government of what he had discovered, it was found necessary that he should continue his observations, and for that purpose it was necessary that he should mix with the disaffected parties in some manner. Whatever character he assumed then was solely for that purpose, and not, as was insinuated, for the purpose of creating any additional disturbance. He did not mean to go into the detail of what happened at Derby, but it had been formerly said from the other side of the House, that ministers had been vested with power, but did not use it; that they knew of Brandreth's conspiracy, and had not arrested him when they might have done so, and thereby prevented the explosion which subsequently took place. It was proved on the trial of Brandreth, however, that the witnesses who knew of that conspiracy were afraid to disclose it sooner; that threats of the most violent nature had been made against any one who should disclose it. It was also proved, that not only government, but the magistrates residing in the neighbourhood were ignorant of it until it broke out, so secretly were the proceedings of the conspirators conducted. But what would have been said if government having received information of that conspiracy, had arrested Brandreth, and thereby prevented the conspirators from taking arms? Would it not then have been said to ministers, "there was no plot; you have arrested an innocent man without even a shadow of cause; you were wrong to depend upon the information of those persons who told you of there being any disturbance in the country; it is the interest of such persons to mislead you if they can, and no set of men but yourselves would depend upon the assertions of such a worthless set of persons as informers?" Such was the language used with respect to those persons who had been arrested without being brought to trial; but whose being taken into custody prevented explosions taking place in other parts of the country similar to that at Derby.—If, then, such arguments were false in one case, was it not fair to suppose they were so in the other? Or did the hon. members of the other side mean to say, that because ministers did not prevent those disturbances of which they had no previous information, therefore they ought not to have taken measures to suppress those of which they had been timely informed? Knowing, as the House did, that such a plot had been brought to light; and knowing, from the characters of the petitioners, and particularly of Francis Ward, who had been placed at their head, that they had hearts to contrive, and hands to execute, similar mischief; it was not fair, on the one hand, to accuse his majesty's ministers of apprehending persons improperly, and on the other, to charge them with having neglected their duty in not arresting traitors before the perpetration of their crimes. Every fact which came out in evidence at Derby, showed the strong probability that similar insurrections would have taken place in other parts of the country, had not very strenuous exertions been made by the magistrates to prevent them. It was on this ground that indemnity was now asked for that valuable class of the community, who might in some instances have exceeded their legal powers in their anxiety to secure the public welfare. The House also should recollect, that it had been repeatedly assured of the circumstance, that no one person had been confined on the information of Oliver.

It was asked if those persons who had suffered by imprisonment on suspicion of treason were to be denied all redress for the privations and hardships which they suffered? To this he would reply, that private interest must in extraordinary cases give way to the public welfare, and that it were better some private injury should be sustained, than that the constitution should be endangered, which would be the case, if those persons were allowed to act with impunity. At the same time he should repeat what he before stated.

It was not the intention of ministers, that any persons who had been treated with wanton cruelty, or who had been confined for any other than treasonable acts or practices, should be prevented from seeking legal redress for such treatment. The bill before the House would not afford any shelter of the kind, either to magistrates or others who had so acted. The hon. and learned gentleman had also found fault with the bill, because it was not merely co-extensive with the Suspension, but went back as far as January. To this he should observe, that if ministers or magistrates found it necessary to arrest disaffected persons before the suspension of the Habeas Corpus act, they were as much entitled to protection for having so done, as they were for their acts during the Suspension, the danger in both cases being allowed to have existed. The principle of the bill was grounded on ministers not having exceeded the powers vested in them by parliament; but that, on the contrary, they exerted those powers for the safety of the country, which, had it not been for their vigour and promptitude, was in the greatest danger of being seriously disturbed. In justice, then, to ministers, in justice to magistrates, in justice to the country, and in justice to themselves, the House were, in his opinion, bound to give their consent to the present measure.

Sir *Francis Burdett* declared, that he was by no means surprised at the course pursued by the hon. and learned gentleman who had just sat down, who had told the House that such and such were the circumstances of the case, taking all his assertions for granted, and had thence inferred, that ministers were justified in requiring this bill; but who had cautiously abstained from specifying one distinct fact, or describing one distinct ground, on which the measure could with propriety be founded. The hon. and learned gentleman had, as he conceived, entirely misunderstood the argument of the hon. and learned gentleman by whom he had been preceded, particularly where he represented that hon. and learned gentleman as having brought forward the particular case of Swindells, with a view to show, that the acts to which that case referred, and which were committed during the suspension of the Habeas Corpus, were to be covered by the proposed bill of indemnity, which was in fact only to cover acts of another kind. Such had not been his hon. and learned friend's argument. He had merely adverted to the case of Swindells, as affording a proof of the danger of granting extraordinary powers to the magistrates. The hon. and learned gentleman talked of that case as having been gathered from newspaper reports. He (sir F. Burdett) believed the case to be perfectly well-founded, and had obtained his knowledge of it, not from a newspaper, but from a gentleman who was well acquainted with the individual himself.

Almost the only argument that had been advanced by the hon. and learned gentleman was, that the bill of Indemnity was necessary to cover all the acts committed under the suspension of the Habeas Corpus, and to prevent the persons who had been injured by those acts from seeking legal redress, because it was not expedient that ministers should bring forward in their justification, and thereby betray, those sources of information which now, for the first time in our history, were to be considered as legitimate and sacred, and were never to be made known to those whose property, and health, and liberty, had been sacrificed to them. That was an argument which, in his opinion, was unfit to be used in any assembly of fair, upright, and just men. What! was a man to be dragged from his home and deprived of his freedom on secret information, and never to know what that information was? Never to know who his accusers were? Was that the system to be now defended; and hereafter, no doubt, to be established and practised? He recollected that it was described in history, to be one of the most odious circumstances of a most dreadful aristocratical government, that of Venice, that they fixed the statue of a lion in the place of St. Mark, into whose mouth were received secret accusations against any individual; on which accusations that atrociously-despotic government afterwards proceeded. But what difference was there between that government and the government of this country, as recently administered; when a secretary of state was ready at all times to receive accusations against individuals, who were never to know their accusers, who were to be imprisoned without ever being brought to trial, and to whose petitions for an investigation of the circumstances of their respective cases, parliament refused to listen? Against a system like this there was no protection. No innocence was a sufficient shield. Many parts of the question before the House were important; but none was more so than this—namely, the supposed necessity of keeping secret, not for a time, but for ever, the private accusations of unknown individuals. Nor was this secret system to be confined to magistrates. It was to be extended to all who had participated in these transactions; to all who might have been influenced by motives of private malice. Many persons had had their arms taken out of their houses, because they were suspected of treason—a suspicion easily raised, but against which those accused were never to have an opportunity of defending themselves before a jury.

But there was another part of the subject not less important. It was the system of constantly employing and embodying a set of spies, who were always ready to accuse some person or other for the sake of occupation, and who were always to be screened from detection. It appeared, as far as the House could judge, that whatever acts of violence had been committed, there was great reason to believe had been instigated by these spies. An hon. gentleman had made a statement, the other evening, the truth of which he declared he was ready at any time to prove at the bar, that Mr. Oliver, on the first day of the last session of parliament, was at the Horse-guards, haranguing the populace, and exciting them to acts of violence against the Prince Regent. Although there was no evidence, that at that period Oliver was connected with government, yet, as he subsequently was so, and as ministers had an interest in creating the alarm necessary for the attainment of the object they had in view, which was no other than to counteract the spirit at that time rising in the nation, importuning the House of Commons to reform itself, he believed that the disturbances which had occurred, had been instigated by ministers themselves, for the purpose of defeating the wishes of the friends of reform. The reformers had no interest in those disturbances. It was absurd to suppose, that the reformers could have sanctioned or encouraged any breach of the peace. It was important to them that the public tranquillity should be preserved; but if gentlemen should say, that the reformers had actually disturbed the peace of the country, then he would ask, for what purpose? *Cui bono?* Who was to have the benefit of such conduct? It appeared to him, that no person could derive any advantage but the ministers themselves, by the alarm which such disturbances were calculated to occasion. And this conviction of his, received additional strength from the recollection, that the present administration was the remnant of that which, for similar purposes, and when circumstances gave a greater countenance to its efforts, pursued a similar course of delusion at the period of the French revolution, by exciting throughout this country the most wild and unfounded alarms.

He owned himself to be totally at a loss to conceive, why a bill of indemnity should be passed to prevent actions from being brought, lest those actions should cause the discovery of the sources whence government had derived their information. But if, as the hon. and learned gentleman had contended, it was inexpedient to exhibit those sources, still the injured individuals ought not to be prevented from obtaining redress; and it would be much better, as the hon. member for Hertfordshire had said, the other evening, that those individuals should be paid their damages out of the public purse, than that they should be denied all redress on such a flimsy pretext, as that the sources of information, or as he (sir F. B.) believed, of false accusation, ought not to be disclosed. His hon. and learned friend had well said, that it was a part of the king's coronation oath, that justice should not be delayed, still less denied, to any man. Ministers had violated the coronation oath—they had violated the constitution: it was absurd, therefore, to say, that for them no indemnity was required, but only for their underlings. They had transgressed the laws; they had infringed the liberties of the people. This was a matter of heavy charge against them. When they asked for the powers which they had so scandalously abused, they asked for them on the ground that they might be safely trusted with those powers, as they would exercise them under a serious responsibility, and as the time must arrive when their conduct would be subjected to a minute investigation. It had been argued very strangely by some honourable gentlemen, that, because ministers had been entrusted with extraordinary powers, they ought therefore to be indemnified for the way in which they had used those powers. The reason of the case was exactly the reverse of this. In proportion as the grant of power was great, should the account of its exercise be strict.

There was another part of the subject which was not less important than those that he had already mentioned. Indeed, the whole of these transactions appeared to him to be of a piece. They were altogether illegal and unconstitutional. The abuses of the power which had been placed in the hands of ministers appeared, from the instances stated in that House, to have been of such a nature, that it was in his opinion impossible even for those hon. members who were of opinion that such powers were fit to be granted, and that if moderately exercised, they should have been followed by a bill of indemnity, to agree to the bill on the table. Those abuses had not even been denied. No contradiction had been attempted of the allegation that men who had not been found guilty of any offence—who were merely accused, and it was to be presumed wrongfully, as they were subsequently discharged—were confined in solitary cells, and loaded with irons. In one instance two of these unfortunate individuals were chained together, compelled mutually to bear all the infirmities of human nature; a most inhuman practice, and one to which a tyrant of old was said to have resorted as to a refinement of cruelty. These tortures were in fact beyond human endurance. The very contemplation of such cruel indignities was enough to drive a generous mind to despair. A case had been mentioned in the House the other night of a man of the name of Riley, who after sustaining solitary confinement for a long time, and looking anxiously to his trial, on finding that it was put off, lost all hope, and committed an act of desperate suicide. No person who knew how dreadful was a long protracted solitary confinement would be surprised at such an occurrence. These cruelties were as contrary to the old law of England, as they were to the mild precepts of the Christian religion. Lord Coke had said that "a man shut up in a close prison was in a very hard case, for that a close prison was a kind of hell." Yet some of the individuals arrested had been imprisoned for eleven months; and at the expiration of that period had been discharged in a manner as illegal as that in which they had been apprehended; and after these transactions, ministers came to that House and asked indemnity for themselves and for the magistrates, and for all persons concerned! In the case of Swindells, to which he had before alluded, it was true, that the magistrates might say they were not searching for libellous, but for treasonable papers, although they did not find any. It appeared that arms or treasonable papers were never found.

Adverting to the trials at Derby (which proved that there had been no necessity for suspending the Habeas Corpus, as they proved that the ordinary powers of the law would have been amply sufficient for the punishment of the existing offences), he observed, that when persons were accused of high treason, there ought always to be some proportion perceived between the means and the end. Could any thing be more ridiculous than to suppose that such a man as Brandreth, armed with a stick and a pistol, and having a dozen or two followers, could hope to overturn the government of this country, with such an army at its beck? But it might be said, that however hopeless the attempt, it was still treasonable. He had somewhere read an argument, that if as the king went along the street, a man blew a feather at him out of a window, and said "that's to kill the king," that would be a treasonable act. To the justice of this position he could never assent; for, he repeated, there ought always to appear some proportion between the means and the end. But whether or not there was any rational ground for imputing treason, nothing could be more evident, than that the ordinary law would have sufficed for its punishment. There was no pretence, therefore, for the suspension of the Habeas Corpus; there was no reason to believe that there was any just ground for the arrest and detention of the persons who had been apprehended under that suspension; and he, for one, would therefore vote against a bill which was to indemnify ministers, and those connected with them, for acts that in his opinion were utterly indefensible.

Mr. *Law* said, that while he admitted that the argument of the hon. and learned gentleman who opened the debate was full of ingenuity and ability, he must express his regret that he could see nothing of that kind in the speech made by the hon. baronet. In that speech he could discover only that extraordinary and peculiar zeal which appeared uniformly to animate the hon. baronet's effusions in that House. He begged, however, to observe to the hon. baronet, when he accused ministers of wishing, by the introduction of the Suspension act, to stifle the voice of reform, that it was not in the agitated state of the country which that Suspension act was intended to tranquillize, and which it had in a great measure tranquillized, that the cause of reform could be successfully prosecuted. It was only in a period of quiet that the hon. baronet could hope that that question would receive the unbiassed judgment of parliament. There had occurred no occasion within his experience in which the truth of the old proverb, that " Saints are cheated when the danger 's past," was more strikingly exemplified than in the discussions on the measure under consideration. For all the hon. gentlemen who had opposed it had kept out of view the danger in which the country had been involved for the last twelve months, and which was the justification of the bill; that danger was as great as the distress —not in which it originated, but by which it was accompanied. It originated in some of the institutions to which we clung with pertinacious fondness; it originated in the demoralization of a large part of the population; it originated in the monstrous union of Luddism and politics—a union of which reform was the pretended, and revolution the real object—a union which, beginning by organized plunder, threatened to terminate in organized assassination. On a statement of that danger ministers asked the House for that proof of their confidence which had been given them by a great majority—a majority which shared the responsibility of the proceedings they had warranted. It had not been argued by his hon. and learned friend, the solicitor-general, that the present bill was a necessary consequence of the suspension of the Habeas Corpus, but only that it was intimately connected with it. Every hon. gentleman who had last session entertained the opinion, that the danger of the country was such as to call for measures of extraordinary vigour, must now admit that the executive authority, as well as the magistrates, and others acting under it, ought to be borne harmless for the acts they had performed, unless a case of flagrant abuse were made out against them.—That the act for suspending the Habeas Corpus, had been administered with discretion and moderation, one or two facts appeared to him sufficiently to establish. In the first place, it was well known, that the number of persons who had been apprehended under it was small, which was some proof of moderation; and in the second place, no person had been apprehended under it but upon deposition on oath, and with the advice of the law officers of the Crown, which was some proof of discretion. For these two facts, there was the authority of the two committees. A doubt had been thrown on the opinion of those committees, to the validity of which doubt he could not bow. The House had been told to receive that opinion with distrust, because the committees had been appointed by ministers, and had a cause to support. Although those committees were certainly not composed (in the only way in which one hon. gentleman seemed to think they could have been fairly composed) of a majority of opposition members, yet he would venture to say, that as many men of equal credit, of as high offices in the state, of as zealous servants of the country, could not be found on the benches of that House. Let the gentlemen opposite name man for man; let them appoint their committee; and let it be seen if the public would repose more confidence in it than in that which had actually been constituted. If the House were to look with suspicion at their committees, on the ground that they had a cause to support, were they not to look with suspicion at the petitions on the table, which had a cause to support? If they disbelieved the one, were they not to disbelieve the other? He was certainly not disposed to put the authority of Francis Ward and Benjamin Scholes on precisely the same footing as the authority of a committee of the House of Commons; but if that were to be done, still this Indemnity bill ought to pass, for the conflicting authorities would neutralize one another; there would be no case against it; and parliament were bound to protect those who had exerted themselves for the preservation of the public peace, unless some case of misconduct were established against them. The hon. and learned gentleman had made one observation on which he wished to offer a single remark: it was, that those depositions on oath, on which so much stress had been laid, were on the part of persons who might have received from ministers a promise that their names should not be divulged, and who might have been influenced by private motives of malignity; and that if so, their declarations on oath were worthless. The hon. and learned gentleman might, with at least equal charity and justice, have supposed that the persons who thus deposed on oath were urged, not by any vindictive feelings, but by a religious sense of duty. When the hon. and learned gentleman denied that those persons could fairly be believed on their oaths (without knowing who they were), he could not help recollecting the opinion given some time ago by the same hon. and learned gentleman, that the dying declaration of one of the traitors at Derby was to be believed because he was a religious man—[Here sir Samuel Romilly observed across the table, " I never said so; I never said any thing like it"]. He was happy to be corrected, but that observation had unquestionably fallen from some hon. gentleman. The hon. and learned gentleman had admitted, in the course of his speech, that he would not assert that the power granted to ministers had been abused. If that hon. and learned gentleman could not lay his hand on his heart and say, that he believed one of the important allegations contained in the petitions on the table was true, he should be surprised, consistently with his (Mr. Law's) view of the duty of a member of that House, if he did not feel obliged to vote for the Indemnity bill.—The second point touched on by the hon. and learned gentleman was, the indemnity to be given by the bill to the magistrates. On a former occasion the hon. and learned gentleman had accused ministers of libelling a whole people [sir S. Romilly said across the table " never"].—He was extremely sorry to have twice unintentionally misrepresented the hon. and learned gentleman. If the expression did not proceed from him, he was sure it proceeded from the hon. and learned gentleman behind him [Mr. Brougham. " I have not spoken yet"]. Without insisting on particular expressions, however, he would not hesitate to say, that the hon. and learned gentleman had insinuated charges of a dark nature against persons whom he (Mr. Law) must always respect, and whom the hon. and learned gentleman supposed capable of being induced by private motives to commit acts inconsistent with their duty, and in violation of the laws. Such was his veneration for the magistracy of the country, so grateful was he to that excellent body of men for their eminent services, that he had heard with the deepest regret the insinuations or the charges of the hon. and learned gentleman. But, notwithstanding those insinuations and those charges, he trusted the magistrates would continue to deserve the approbation of the country, by persevering in their efforts to put down the spirit of insubordination, which, to a certain degree, was still in existence.—He would not follow the hon. and learned gentleman into that subject, on which so much had been said—Oliver and spies. He would not contend against the assertion, that they had been the cause of all the commotion that had taken place. Neither would he defend government from the charge brought against them by an hon. baronet, of wishing to establish a lion, like that of old, in the place of St. Mark, at Venice. He thought that that lion (if any lion there was) must be as harmless as the one in the Midsummer Night's Dream. All he would say was, that if ministers had exercised the powers which had been vested in them with discretion and moderation, they ought not to be exposed to the violence of such men as Francis Ward; for, unless the sympathies of the House were to be exclusively reserved for those who were in hostility to the state, they were bound to guard the well-disposed from the dagger of the assassin, and not to serve the purposes of disaffection by exposing those sources of information of which government had already so effectually availed themselves, and which might again enable them at some future period to anticipate and thwart the designs of conspiracy. The simple question, indeed, for the House to determine, and on which it seemed to him there could be little doubt, was—whether they should protect those who prevented, or those who committed offences?

Sir *W. Burroughs*, adverting to the speech of the solicitor general, said it was the first time he had ever heard from an English lawyer a doctrine so much in violation of our constitution, that, on a warrant issued on oath, the information should remain a secret. By the law of the land, the magistrate was bound to commit the party, next to return the informations to the proper court, and then to bind the prosecutor over to prosecute. Those were the duties pointed out by the common law, and confirmed by the statute of Philip and Mary. A magistrate had no right to discharge any man from custody: he was to remain in custody till discharged by due course of law. The secretary of state was subject to the same rule. In no case had either party a right to discharge a prisoner, until he was regularly discharged by a court of law. With respect to the immediate question before the House, what had ministers done? They claimed extraordinary powers—they obtained them; and the first thing they did was to exceed them. The pretence of guarding those who had given information was absurd. Had any body heard of any attack on the witnesses or jurors at the trials at Derby, or in London? Such cases had occurred in Ireland, but thank God not in this country. But it had been said that ministers did not require this bill to indemnify themselves, because they had done nothing wrong. Why then did they require it? But he denied that they had exercised with propriety the powers that had been vested in them. He charged them with gross abuse. The hon. member for Bramber had told them, that it was useless to enter into any inquiry, as those who considered themselves aggrieved had their remedy at law. But by this bill of indemnity, they were deprived for ever of that remedy. If such proceedings did not add insult to injury, he was much mistaken in his view of the subject. With respect to the seizure of papers and the searching for arms, the hon. and learned gentleman had said that the bill was not for the purpose to which it had been said to apply, but that impunity was secured by the bill for the seizing of papers, and the ransacking of houses for arms, only when the persons from whom such papers were taken, and whose houses had been so searched were accused of high treason. He wished to know whether such a proceeding could be considered at all necessary? Surely it required no law to render such a practice proper; it was the mode which was pursued in all cases of high treason. There required no indemnity for that. But this bill extended indemnity to magistrates, and all other persons who violated the law in this manner, merely on the ground, that the persons whose houses they searched had attended tumultuous assemblies. The magistrates had no need of indemnity for taking up persons concerned in a tumultuous assembly. The being engaged in one was a misdemeanour at common law. There was no indemnity necessary either for having dispersed such an assembly, or for having assisted in so doing. But they certainly did want an indemnity for searching for arms and papers—acts which were a violation of the law. For such acts no indemnity ought, in his opinion, to be granted, especially without an inquiry should take place. His majesty's ministers, however, had not only refused an inquiry, but had refused to postpone the farther consideration of the bill till an important return should be made. He could not help designating the bill as a most odious, and, indeed, audacious proceeding. He was unwilling to detain the House longer, though he had several other observations to submit to them; and therefore he should sit down, declaring his decided opinion against the bill.

Sir *F. Flood* said, he owed it to himself and his country to make a few observations. He rose, not as belonging to either side of the House, but because he felt it his duty to say what he thought on the measure. The ranks of the other (the opposition) side of the House were broken and the arguments of a great part of that side of the House, militating one against the other, showed most clearly that the party whence they came was nearly dissolved. He did not agree with the arguments of two hon. and learned gentlemen, one, the member for Arundel, for whom he had a very great respect, and another, of whom he likewise had a very good opinion. It was not from obligation or ostentation that he spoke, for he stood where he was unplaced and unpensioned. He wished the House would observe of what nature the bill was before them. It was a bill that had already been twice approved of by large majorities of 190 to 64, and 89 to 24; and yet, though the virtues of this bill were thus approved of, it still met with opposition. If the bill had any defects, they were curable in a committee. It was to be remembered that the bill did not originate in that House—it came to them from the House of Lords; having first been sanctioned by the Lords Spiritual and Temporal of this realm, it came here recommended by immense majorities of the Lords, by the highest authorities of the country. He approved of the conduct of administration, at the head of which was the noble viscount, whom he was proud to call his countryman, who had reconciled all the jarring powers of the continent, and who had been received with cheers by the House when he returned from the continent—he was his countryman, and he was persuaded that the noble lord was the fittest person to have been upon the committee that was the foundation of that bill. The country owed every thing to his majesty's ministers; it was they who appointed the duke of Wellington; and the duke of Wellington saved the country. The arguments of the hon. bart. were unfounded; if he would look to Blackstone, he would find that great lawyer said, that whenever the state was apprehended to be in danger, a suspension act was proper, which, instead of injuring the constitution, would preserve it for ever. Though he was one of the majority who had voted the Speaker into the chair, he should with great pleasure vote him out of it on that occasion.

Mr. *Lamb* said:—It would, Sir, far better accord with my own inclination, if I could fall in with that which appears to be the prevailing inclination of the House; it would undoubtedly be more agreeable to my own feelings, if I could reconcile it to my sense of duty to pass over in silence this question also, as I have already passed over all the questions which have been brought forward in the course of the present session, connected with the transactions of last year, and with those measures upon which I have the misfortune materially to differ with so many of those, whose persons I esteem and whose opinions I respect. But as upon my part I feel it to be utterly impossible, that my hon. friends should suppress their sentiments, or restrain the expression of the indignation which they must naturally and necessarily feel,—indignation in which I should participate with them, if I agreed in the opinion, which is the spring and source of it,—so they, upon their parts, must admit, that it is in some measure due to my own character, and to the humble part which I took in the recommendation and support of those measures, to seize at least one opportunity of declaring the view which, upon deliberate consideration, I still continue to take of those proceedings, as well as my opinion upon the present bill, which is so closely connected with them.

It is supposed, and has been very generally stated in this House in the course of the present session, that the sentiments, which we then entertained, and the statements which we then made, that the case in short upon which we grounded ourselves, has been materially weakened and invalidated by events which have happened during the recess of parliament, and particularly by the result of certain trials at law, which have been had during that period; by the result of the trials at Westminster, which, by the way, had taken place before the second suspension of the Habeas Corpus; even by the issue of the trials at Derby, and, what astonishes me more than all the rest, by three verdicts of acquittals pronounced upon three informations for seditious and blasphemous libels, preferred by the attorney-general, against a printer of the name of Hone.—Sir, I beg leave to say for myself, and in saying this, I conceive I am asserting a great and important principle, that I voted for those measures upon general views, upon a persuasion of the disposition which then prevailed in a certain portion of the community, upon the language which was then held, upon the opinions then professed, upon the designs and intentions then manifested;—I voted for those measures upon legislative reasons, upon such reasons as are fit in their nature to sway the judgment and direct the conduct of a member of this House; and allow me to say, that a judgment so formed is not necessarily invalidated or corroborated, is not necessarily affected, by any thing that passes in courts of justice, by the result of any judicial examinations or investigations, by any inquiries before tribunals, formed for entirely different purposes, acting by entirely different means, and proceeding towards another purpose and end, by another course.—Sir, I respect the verdict of a jury; no man more; and amongst the various abuses of the liberty of writing, thinking, and speaking, which prevail in the present day, there is no abuse more pernicious than the disposition which exists to call in question those decisions, which, whether they be guilty or not guilty, ought, except under very peculiar circumstances, to be held final and decisive. Into this error I think the worthy baronet (sir F. Burdett) has fallen to-night, in questioning the propriety of the verdicts given at Derby, and introducing here that doctrine of adequate or inadequate means as affecting a charge of high treason—a doctrine which, however it may be fair in the mouth of an advocate, who is found to urge almost any argument that may possibly work in favour of the accused, ought not to be maintained in any other circumstances, because I am sure it is untenable in law, and not more untenable in law, than it is contrary to reason and common sense.—Sir, I respect entirely the verdict of a jury. I hold that it should not be rashly and wantonly intermeddled with; but then I hold, that it should be confined in its effect to its own proper object, the determining the guilt or innocence of the prisoner, to which it is limited and held close by all the rigorous accuracy of the law, and that it should not be extended and applied to the maintenance of general political propositions, which it is peculiarly ill qualified to inquire into and decide.

In the measures of last year we legislated perhaps somewhat in the dark; we possibly exaggerated the danger. Perhaps we apprehended that the contagion had spread wider than really was the case; perhaps we overrated the zeal and courage, the perseverance and sincerity, of those who threatened so loudly; but I still maintain that there were such appearances of danger as justified the course which was then pursued. I will not go into much detail upon this subject, because I am unwilling to revive former differences and to renew former discussions; but since the disturbances in Derbyshire have been mentioned, I will ask, whether it is possible to assert, whether human credulity can go the length of believing, that that tumult was an accidental, solitary, insulated proceeding; that it was unconnected with any more extensive arrangement, or more general understanding? I ask whether that is, upon the face of the affair, a reasonable conclusion, and I believe I may safely appeal to those who have had the best means of information upon the subject, whether they do not know the contrary to be the fact?—But we are not permitted to argue beyond what has actually taken place; we are not permitted to say that our measures had any preventive effect; if we do, if we urge that such events as those which happened in Derbyshire, would, without the precautions of government, have been more frequent and their consequences more formidable, we are asked, why do you draw any such inferences? why do you make assertions upon mere fancy and conjecture?—Every thing is to be taken for proved and granted against us; every thing that is doubtful, uncertain, ambiguous, and contingent: the veil of futurity is to be raised, the secrets of time are to be looked into; the evil effects of this precedent a hundred years hence are to be set down as certain and undoubted; but we, if we attempt to draw, as we conceive, fair conclusions from the events which have taken place, are to be tied strictly to the record of facts, and circumscribed within the limits of an almost metaphysical accuracy. But this is, and ever has been, the case of all civil services; it is the lot and condition of ministers in all ages; it is the difficulty with which they have to struggle, the mortification which they have to undergo. It forms the great distinction between civil and military service. The exploits of the soldier are performed in the light of the sun, and in the face of day; they are performed before his own army, before the enemy; they are seen, they are known; for the most part they cannot be denied or disputed; they are told instantly to the whole world, and receive at once the meed of praise, which is so justly due to the valour and conduct that achieves them. Not so the services of the minister; they lie not so much in acting in great crisises, as in preventing those crisises from arising; therefore they are often obscure and unknown; and not only obscure and unknown, but subject to every species of misrepresentation, and often effected amidst obloquy, attack, and condemnation, when, in fact, entitled to the approbation and gratitude of the country;—they are lost in the tranquillity which they are the means of preserving, and amidst the prosperity, which they themselves create.

But, Sir, if we have prevented any evil, I must again repeat an opinion which I held in the former session of parliament, that it is better to have prevented it by this act for the suspension of the Habeas Corpus, than by any new measures applicable to the peculiar case or to the particular districts of the country, in which disturbances have prevailed—Because this is a precedented course, a course that has been taken before, a measure of which we know the duration and the extent, the principles upon which it goes and the manner in which it acts (with new measures the case would have been otherwise), and we now return to the constitution unimpaired, except by the precedent; for I am ready to admit, that every fresh precedent of this description does impair the constitution; but, at the same time, that admission brings us back to the original question of the necessity of the measure; because if the measure was necessary, it is not we who have adopted it, who are responsible for the injury done to the constitution,—but those who by their conduct have forced its adoption upon us. We trusted that our measures might be temporary, because we trusted that the causes of them would be temporary. We trusted that the distress would pass away, which furnished the matter for disaffection to rest upon, for that distress was not the original source of the evil. I always will maintain—it is my serious opinion—that there exists in the country, and particularly in the manufacturing districts, a discontented spirit—to what amount, or to what extent I will not pretend accurately to define—but a spirit always active, inveterate, and implacable, not exasperated by suffering, not soothed by prosperity, not allayed by time; a spirit ever laying in wait and in ambush to take advantage of the calamities and disasters of the country. We trusted that the pressure of penury and want, which disposed many to listen to the suggestions and promises of turbulence and sedition, would become less severe and burthensome. This was a large and a strong part of our care. We could not bring it very forward at the time; we could not very openly rely upon it, because it might have failed us; we might have been disappointed; an unfavourable harvest might have deepened the gloom, and augmented the despondency; and then, in addition to the misfortunes of the country, we should have had to bear the weight of our own predictions. But, Sir, we have not been entirely deceived in this respect. The affairs of the country are improved; trade is increased; agriculture is reviving; the spirits of men generally are less depressed. I do not wish to state these circumstances in any respect beyond the truth. When the times are evil, when the country is beset with difficulties, I consider as most unwise and impolitic the language which tends to extinguish hope and to discourage exertion. So when the horizon begins to brighten, and a better day appears to be dawning upon us, in the same manner do I condemn the language of too confident security and of premature exultation; and, Sir, it is impossible to consider the situation of this country, of Europe, and of the world,—it is impossible to survey the continent of Europe with its jarring and conflicting interests, with its vast military establishments, which have been engendered and produced by the great war in which the world has been engaged, and by the ambition of the enemy,—it is impossible to contemplate the internal situation of this country with her vast load of debt, her great financial embarrassments, and the state of society,—in some respects unnatural and distorted, which has grown up within her,—it is impossible to reflect upon her vast colonial territories and dependencies, scattered as they are in every quarter of the globe, and containing within them every species of the human race, every form of human government and every condition of human nature, it is impossible to consider them with their neighbourhoods and vicinages, new nations growing up into a magnitude beyond conception with a velocity exceeding thought,—I say, Sir, it is impossible to look upon this spectacle without feelings of awe, of alarm and apprehension. We cannot but be aware that at every moment embarrassments may arise, that difficulties may meet us at every turn, and that the mighty workings of so stupendous a machine demand in those, to whom its guidance is committed, the utmost fortitude, the utmost care, the utmost circumspection, above all, the utmost prudence, temper, and moderation.

Sir, there is a subject closely connected with the execution of the measures of last year, upon which, though, as has been observed by an hon. gentleman (Mr. Law), it has been already debated even to nausea, I must, however, at the risk even of fatiguing the House, make some observations, in consequence of the stress which has been laid upon the circumstance, and the impression it has made upon the public mind. It will be anticipated that I allude to the receiving of evidence from accomplices, to the employment of spies, and particularly of one individual, whose name has been so often mentioned with reprobation, perhaps not undeserved. We must consider this subject with a fair view of both sides of the question. On the one hand, we must fairly allow the encouragement which this man's presence and assumed character was calculated to give to designs and schemes which might otherwise not have been entertained or undertaken; on the other hand, we must not suffer ourselves to be made the dupes of those whose evident interest it is to heap all their own doings upon the head of Oliver, to put in his mouth all violent language and criminal propositions by whomsoever held or made, and by so charging him entirely to liberate and absolve themselves. It is said, that the conduct of the discontented in the country depended on their expectations of support and assistance in London; that he supplied this link of connexion, that he represented the metropolis, and encouraged the undertaking and persevering in the most extravagant designs by representations of the countenance and aid which they were certain to receive. This is probably true; such was his character, and such probably his conduct. But it was a character which he assumed, not at the suggestion of the government, but at the instigation of the conspirators in London; and this conduct, wicked and nefarious as it certainly was, was pursued upon their plan and in furtherance of their designs; it was the conduct, which they were pursuing throughout the country; it was the conduct which rendered the suspension of the act of Habeas Corpus so wise and advisable a measure. It was their habit and practice to go from town to town, and from county to county, representing and exaggerating in one place the disposition which existed to rise in the other, and thus attempting to seduce and mislead the needy, the distressed, the unwary and unthinking into a participation in their wild objects and criminal undertakings.—When I consider this whole matter, as it is stated by my honourable friends, I own the fair conclusion appears to me so irresistibly strong, and to lean so much one way, that in the present tranquil state of the country I know not whether it is perfectly prudent to draw that conclusion in all its full force. For how does the matter stand upon the statement of my hon. friends? Oliver always used the most violent language, and recommended the most outrageous conduct. Parliamentary reform, which, as we are told, is the real object of those who sign petitions and attend meetings, he always ridiculed and despised. Petitioning, he said, was utterly useless; to physical force he almost uniformly exhorted them to have recourse.—Now, what is the other part of the statement? Using this language, and professing these principles, he was received amongst them, caressed, relied upon, trusted and confided in; he became their leader and their guide, the principal man amongst them, the chief to whom they all looked up and were all ready to follow. Now, I ask, Sir, what is the fair inference with respect to the temper, feelings, spirit, and disposition of those by whom, under such circumstances, he was so admitted and accepted? The same observation applies to the spies who have been mentioned before, in the course of the session, by another hon. friend of mine (Mr. Philips). According to his statement, whilst they proposed the most horrible and abominable schemes, such as the burning of Manchester, they were protected, their secret was kept, and not a word was heard respecting them;—but as soon as it was suspected that they were informers, out comes the whole of that which had been before concealed, and the table is loaded with accusations of the deepest dye and the most atrocious nature. Something of the same remark may also be made upon a story mentioned in a former debate by an hon. gentleman (Mr. Lambton), upon the authority of a newspaper, and of a "most respectable" person, who was an eye-witness of the fact which he relates. This respectable person says, that Oliver was very active in inflaming and instigating the mob which insulted the Prince Regent as he came down to parliament at the beginning of the last session. Why, Sir, this may possibly be true; I am not one of those who place much reliance upon the good character and conduct of Oliver. I cannot but think that in order to obtain the influence which he appears to have possessed in the counsels of these men, he must have used the same language, and professed the same opinions; but I must say, that it is much to be lamented that this "respectable person" should have suffered a year to elapse before he gave this information; information which would have been very important at the time; which we stood much in need of, and should have been very desirous to have received. If this information had been given, much useful light would probably have been thrown upon the whole transaction. If a government spy at that time he was, such he would have been discovered to have been, and we probably should have made a more compleat inquiry, and come to a more satisfactory conclusion upon that part at least of these events than, as it was, we were enabled to do.

Sir, in the course of these debates many general propositions have been laid down with respect to the employment of spies at all; this night, by my hon. and learned friend who opened this debate, and upon former occasions still more broadly and decidedly by the hon. gentleman the member for Bramber (Mr. Wilberforce). Sir, every thing that is honourable and virtuous in our nature, every good feeling of the heart, and every lofty conception of the mind, would induce us eagerly to adopt and embrace these doctrines in their fullest extent; but, Sir, we are imperiously called upon to pause and hesitate, whilst we consider whether this course can be actually persevered in; for nothing is more dangerous than to lay down in theory maxims, from which you immediately find yourselves compelled to depart in practice; nothing exposes you so much to the charge of hypocrisy and to the accusation of scourging in others that sin, which you leave unpunished in yourselves. We must also well consider whether these principles will not lead us farther than we at present intend. A great difference is drawn in argument between spies and accomplices; between those who are commissioned to associate with the criminal in order to detect them, and those who come forward to disclose the crimes in which they have been engaged. Why, Sir, with respect to those who employ them, there may be some difference, but for the persons themselves, if we are to consider their conduct upon the strict principles of religion and morality, I do not perceive a very broad distinction. Accomplices in some instances may be smitten with remorse, and may wish to make amends to society for the injury they have done it; though such motives when professed appear to me very questionable. Interest and impunity for the most part prompt their conduct. Remorse and repentance should certainly induce a man to offend no more himself, and to withdraw himself from the company of those with whom he has offended; but I do not exactly see that they should lead him to betray them into the hands of justice. We should also be upon our guard against another partiality in ourselves. It is only in cases of this description that the means by which evidence is obtained, are so nicely scanned and scrutinised. When the general indignation is excited against the offence, when every one is anxious to see the offence brought to punishment, then we are apt not to look very nicely to the means by which that object is attained; but when the public sympathy and commiseration is, as it is very apt to be in state prosecutions, excited in favour of the accused—and the public feeling, allow me to say, may very possibly run in a current directly opposed to the public interest—then we examine every step with the utmost rigour, and lay down strict rules from which in other cases we depart in silence and without observation.

Now, Sir, upon the bill which is the immediate subject of our consideration, I certainly am of opinion that we ought to go into the committee. I will not now enter into its details, nor into a consideration of the observations which have been made with respect to the extent of its provisions. Those are matters fitter for our consideration hereafter. But, generally, I support the bill upon both the grounds which have been urged by the hon. and learned gentlemen, who have moved and argued it. In the first place, I continue to approve of the measures of the last year. In the execution of those measures I can easily conceive that acts may have been done, meritorious in themselves and necessary, not illegal, and upon which, if brought before a court of justice, a judge would be compelled to direct the jury to bring in a verdict of guilty;—acts also may have been done, legal in themselves, but of which you cannot show the legality, because you cannot bring forward the defence. It is said, that there is a great difference between this case and that of the former bill of indemnity in 1801, because it was fairly argued then that the persons who had given ministers the information upon which they had acted, could not be safely brought forward, because they might be in the power of the enemy.—Sir, I do not wish to enlarge upon this topic, but I do think that that argument applies as strongly to the present as to the former bill. Those who have now given information, may be in the power of those whose malice is as inveterate, and whose vengeance would be as ruthless as that of any foreign government upon those whom it might discover to have betrayed it ssecrets. I did not vote for the measures of last year blindfold, nor in the dark; I did not vote without being aware of the consequences which might arise from them. I was aware that they might possibly produce great injustice and iniquity from their very nature; because they were secret powers that were granted; powers to be exercised upon *ex-parte* information, which might be erroneous or malicious, and not only so, but upon the judgment of those to whom that information was submitted, which judgment might very likely be mistaken, and was more likely to be so than if exercised upon testimony born openly and examined adroitly by advocates charged with and responsible for the safety of those who employ them. I see as clearly and feel as deeply, as my honourable friends, the objections to the law, but I thought they were overruled by the necessity of the case. I voted for it as a great conservative measure of state; and as I do not believe that the powers granted have been exercised tyrannically, oppressively, or maliciously, I cannot hesitate in extending to ministers the protection of a fair indemnity.

Sir, for myself, I could here wish to take my leave of these measures. I know I shall be told by my honourable friends that that is impossible,—that such votes are more easily given, than got rid of; that their effects will cleave to us and to the country for ever. I trust, however, that the impression in the country will be different; that the result of these proceedings will be to induce those who have been led into turbulence and sedition, to reconsider their conduct, to mistrust those who give them violent counsels, to reject wild projects of annual parliaments and universal suffrage, which I am sorry to see are still demanded in petitions which are laid upon our table, projects, which we oppose, as I can sincerely assert, not because we are envious of any liberty that would be gained to the people by them, but because we detest despotism; for there is no prediction, I would venture to make with so much confidence, no assertion upon which I would so willingly pledge fame, character, reputation, all that is dear to me, as that these schemes, if adopted, will terminate in a government far more arbitrary than that which they will succeed and displace.

Mr. *Brougham* observed, that he was not altogether unprepared to expect the course which his hon. friend had just pursued. He was afraid that his hon. friend would differ as widely from him, and coincide as completely with the gentlemen opposite upon the whole of those measures, as his frank and candid avowal had now rendered indisputable. Having gone so much the whole way with ministers, his hon. friend might be said to have richly earned that tribute of applause, with which he was so justly greeted by them and by their adherents. It was, however, a matter of much regret to him, and to those with whom his hon. friend was generally in the habit of acting, that a person of his great respectability, that a person of so much weight in that House and in the country, from his accomplishments, his talents, and his character, should have lent himself to the support of such a measure as that which was now under consideration. But it was to his arguments and not to his authority, they were bound to address themselves; it was not the adventitious circumstances derived from his just reputation or political connexions, that they were to regard, but the mere influence of his arguments balanced on their own merits. He should now be obliged to address himself to his hon. friend in some degree personally, and to the three or four last sentences of his speech exclusively; for, rich as his hon. friend's speech had been in general observations, powerful as it had been in eloquence, beautiful in its illustrations, various in its topics, and animated in delivery, those observations and that eloquence, were no more than so many vague generalities, applicable, if not to any subject, at least to any period, any government, or any danger to such government, and entirely unconnected with the measure of indemnity now before the House. Rich, then, as his hon. friend's speech had been in this general matter, there was no one even of those who approved the measure, and were ready to adopt it on no better authority than that which had been thus afforded them, who could point out one single word (with the exception of three or four last sentences, on which he should presently make some observations) that had any reference to the present bill of indemnity; and his hon. friend had been aware of this; for he stated, that he thought any observations on the measure itself would be made more properly on going into a committee on the bill. In the last few sentences to which he had before alluded, what said his hon. friend? "That in the late situation of the country, persons had been called on to do acts which were not in themselves strictly legal; that if actions were commenced against them on those grounds, a verdict must be given for the plaintiff; though the defendant, who had incurred the risk of an illegal act for the general good of the public, was entitled to the fullest protection for the part he had so meritoriously taken: that the same persons might have done many other acts strictly legal, but the legality of which they could not establish, from the difficulty of bringing forward witnesses, for whose safety fears were entertained, if they gave evidence on such an occasion." Did he rightly understand the ground on which his hon. friend's argument rested? With one part of it he fully coincided. He agreed that, when in a crisis of real difficulty and danger (not such a crisis as his hon. friend had described), a magistrate who had been armed with extraordinary powers, for the preservation of public tranquillity, did step beyond the bounds of what was strictly legal, without exceeding the limits necessary for effecting his purpose, such a magistrate deserved protection, if the measures he pursued were proved or admitted to be essential to the public safety. It was possible that such conduct might be at once illegal, and meritorious; its illegality might be extenuated by the necessity that called for it, and the magistrate might have acted meritoriously, in venturing on such an occasion to overstep bounds at his own risk. An indemnity granted to such a magistrate, and under such circumstances, would be no more than he would have a right to demand.

But that was not the indemnity now sought for: the present bill, or rather the bill which ministers hoped to introduce, held out an indemnity to all who had been concerned in any of the late transactions—to those who had overstepped the law with the best of motives, and those who had transgressed it with the worst. It confounded the magistrate, the man of honesty and character, who had taken every precaution and faithfully discharged his duty in maintaining the public tranquillity, with a person whom he should describe without periphrasis, without any of those respectful circumlocutions with which he had been generally ushered into the notice of the House by the gentlemen opposite, the person who had been called by the various names of "that loyal and upright subject." "that much injured individual," "that meritorious agent of the police,"—he meant that Oliver: it confounded such a magistrate as he had described with this man, or with any other such miscreant, if any other such there could be—that is, it placed those persons in the same attitude as the magistrates, by holding out the same indemnity to them. His hon. friend had said, that the magistrates could not defend actions brought against them, without producing the names of those on whose evidence they had relied: and where was the difficulty of producing such witnesses, in the face of the country, in open court, in public and honourable trial? This had been done at all former periods; not by bringing forward one witness, or upon one occasion, but witness after witness, and time after time. It had been done even in this time, of which his hon. friend seemed so much afraid. In 1812, the report of the committee was as strong as to the disturbed districts as the present. The same report mentioned the dangers that had been incurred by persons who were called on as evidence, and the danger of magistrates themselves, if any of the disaffected were brought to trial. But how did the government act on that occasion? In a manner for which he gave them credit. They brought to trial all those against whom they could procure any information. Numbers were tried, and numbers of witnesses were examined; and he would ask, what person was ever injured on this account? what person was ever exposed to the slightest risk? "Oh! no," it would be replied; "but the evidence of these persons did no harm to the conspirators; they were all friends and accomplices." So far from this, that those witnesses were the means of convicting upwards of twenty of the prisoners, of whom many suffered the sentence of the law. And what was the danger? Was one person among them hurt? Was one person so much as threatened? Yes, there was one; and the parties were immediately brought to trial for the offence, when the trial failed only because the wrong person had been selected for prosecution. He called on the House to determine if this was not a complete answer to the argument on which his hon. friend had rested. He had himself been of counsel on that trial, and he hoped he might give evidence of what passed there, without being affected by the stigma which it was attempted to attach on every one who stated facts contrary to the wishes of the other side of the House. The House would recollect, that at that time a sort of Luddism prevailed in Yorkshire, such as had given rise to the trials at Derby. On that occasion a person was tried for menacing the life of another in the dead of the night. A person was called to prove evidence, who stated that the party calling had found the prosecutor at home, had fired a pistol, and destroyed one of his eyes. He (Mr. Brougham) saw a person tried for this offence. He saw the man who had been shot; he gave his evidence publicly, as did many others, and among them the accomplices of the party who had fired the pistol; all were brought forward in the face of the court. But, notwithstanding this, notwithstanding the disturbed state of the country, and the circumstance of their having all been brought forward in the box to swear away the life of an individual, one of the favoured conspirators, and the most active of those who were then called rebels, not the slightest evil had accrued to any of them.

And now he would ask if there was any greater tie to connect the disaffected of the present day, and so bind them together in wickedness and secrecy, as to endanger the person of any witness who might be brought forward on the present occasion? Where was the variance between the circumstances of the present day and those of 1812, to affect the safety of witnesses, or exclude a mode of proceeding which was then adopted without hesitation? But without recurring to 1812, he had another instance in view, in which the same course was adopted; in which more than a hundred witnesses, after discharging their consciences by swearing to facts of conspiracy and treason —after leaving the prisoners to execution —went peaceably home the next day without threat or molestation. He need only remind the House of the trials at Derby: not one of the hundred witnesses called on that occasion had experienced the slightest inconvenience. It was too much, then, to assert that witnesses could not be called, lest they should be exposed to danger. When he had shown that in periods much worse than the present no danger had been incurred by witnesses, it was in vain to refer to vague generalities such as his hon. friend had advanced; it was in vain to say what might happen, and therefore call upon the House to pass a bill which set aside all the ordinary course of law. Now when on the authority of the report itself, on the evidence of their own senses, on the admission of his hon. friend, it was plain that perfect tranquillity prevailed over all the country, that the suspension was no longer necessary, and the ordinary course of law was restored in every thing else, it rested with the supporters of this bill to show (and he wished his hon. friend would show) why persons against whom actions were brought were unable to avail themselves of a just defence; what there was in our law inefficient; what rendered it so powerless now, that for the first time it was impossible for an honest man to produce his witnesses for fear of the dangers they might incur.

His hon. friend had made some remarks on the last statement that had come forth, respecting the conduct of Oliver; and he had enjoyed a sort of triumph in asking why the relation of all that passed on the first day of last session had been postponed till now. He would give his hon. friend an answer, with which any candid mind would be satisfied, and which, but for the heat of party contention, must have offered itself to his hon. friend's own reflection. It was only within these last three or four weeks that it had become safe to make such a communication. His hon. friend seemed to sneer or smile at this, but till within the three or four last weeks the Habeas Corpus act had been suspended, and persons who gave any such information might have been imprisoned; at least all who had made themselves enemies of Oliver had been committed. He cared not that this imprisonment might not have been caused by Oliver's immediate oath; that might or might not have been the case. If they were committed on the oath of others, it was through the information of Oliver. He was in close communication with government; he was the familiar of the home office, and it was of no importance whether the oath was made by him or others. Besides, this denial of Oliver's oath was not known, and it might have been his for aught any one could dream to the contrary; till the report of the last committee nobody could be satisfied that Oliver's oath had not been the cause of all the detentions. Why was the individual possessed of this information to make an enemy of Oliver, a person whose whole hope of advancement, of existence, depended on the fatal effects of his poisonous breath passing over the unhappy victim. This was no imaginary case, no vague generality, like those delivered by his hon. friend: it was the case of the unfortunate Scholes,* who had suffered merely because he had disregarded the invitation of Oliver: for this he had suffered a long and painful imprisonment—for this his health was ruined, as attested by his physician—for this his fortune and character had been destroyed, as appeared by the evidence of most respectable neighhours. And why? because he threatened Oliver (such was the uncontradicted statement, backed by the testimony of a most respectable magistrate) to lay his discourse before a justice, when he proposed the adoption of physical force as a means of promoting parliamentary reform. In forty-eight hours after this threat, he was conveyed to prison. Whatever might be said, the arts of that man were not to be despised by persons in humble life: they might pass innocently by those in a higher sphere; not innocently, indeed, for they had poisoned the ear of a noble lord in another House; but they might not deter them from the execution of their duty. But this was not the case with those in a lower sphere; they knew that if they gave information and did their duty, this man had power to cause their imprisonment during the suspension of the Habeas Corpus. The triumph, therefore, of his hon. friend was groundless, and his question was completely answered.

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* For a copy of Scholes's Petition, see p. 458.

This led him to make some observations on the petitions that had been presented, and the stigma that had been cast on all of them indiscriminately. One had been presented by Ward, who was represented as a most disreputable character; but he would just ask how they came to know all this? Two persons convicted and condemned to death had made a dying declaration respecting him; and this had been read by the noble lord opposite as conclusive evidence, though there was now no possibility of ascertaining its truth. He did not say that this evidence was false; some credit was always due to persons in such circumstances; but if they were to be credited, with a halter round their necks, and making a declaration which they knew to be agreeable to the magistrate who received it, and which in fact offered their only hope of escape from execution; how much less should the noble lord refuse the dying declarations of individuals, who made those declarations to persons, and in a manner that precluded every hope of escape from the fate that awaited them. Whatever was said by the former, the noble lord received without hesitation, and wished to pass for indisputable testimony, because it was agreeable to the case he had to support. Whatever was said by the latter, though under circumstances affording much less probability of falsehood, the noble lord rejected as wholly unworthy of credit. It was not necessary to make any farther remark on this inconsistency. If the persons to whom he had last alluded were to be believed, they traced to Oliver the plot for which they suffered death; but these were not the only things that could be stated, nor did their connexion with Oliver rest on the dying declaration of one of the condemned. He could not but remember the coincidence between some things stated in the petition of Scholes which he had presented, and some facts which, from a different source, came to the knowledge of his hon. friend the member for Shrewsbury, respecting Brandreth. His hon. friend had then invited his attention to the fact, that Brandreth had said Scholes ought not to be trusted, which agreed exactly with one of the allegations of the petition, which states that Scholes, seeing the character of Oliver, and suspecting his designs, had refused to allow any more reform meetings at his house. Oliver was the person against whom this refusal was directed, and Brandreth had shown his connexion with Oliver, by taking his impression of the character of this individual. These petitions were, however, disregarded, and no inquiry had been made into the circumstances which either tended to confirm or contradict their statements. He however rested more upon them than his hon. friend, than another hon. and learned gentleman who opposed all petitions, or than the right hon. president of the board of trade, who, in a debate on a former night, had got up and invoked truth and justice against listening to or regarding any statement of grievances, or any prayer, for redress from any of the petitioners. He had often heard of truth and justice having been invoked on trifling occasions, and for unworthy causes, but he had never before heard their names so profaned as on that occasion. He had never before heard them invoked to prevent inquiry, by which alone truth could be ascertained, or to stop the disclosure of evidence, by which alone justice could be done. It was such conduct that destroyed the confidence of the country in the measures of government: it was such conduct that stigmatized the secret committees of the House, and made their reports no justification of the administration in the eyes of impartial men. The reasoning by which the House had been brought to resist all inquiry seemed to him very far from being strong, or convincing. He had yet to learn by what legitimate process of argument it was decided, that because one petitioner had presented exaggerated statements,—that because another had addressed to the House what was false,—that because a third had magnified his sufferings beyond the strict line of truth,—that because a fourth was a man of abandoned character, therefore the House was to lend no ear to any petitions, however different in their nature, and however differently they came recommended by the character of those who framed them. The House had now got to this—that it reckoned complaint sufficient to excite suspicion against the person who preferred it, and thought it enough to throw discredit on a man's word or oath, if he was found coming forward to state his grievances. "You are a petitioner," was the language of the gentlemen opposite, "therefore you cannot be believed; you complain of oppression and hardship, therefore you must be an impostor." If the House was thus to turn a deaf ear to the petitions of the people, how could it support its own consistency, or show any regard to its professions? As often as it was approached with petitions for reform, as often as the petitioners presumed to say to it, "You do not represent the people; you neither attend to their wants, nor allow them to enjoy their rights:" it answered pharisaically, (he could not use another phrase)—"we are the real representatives of the people: we deliberate for their advantage, we consult their wishes, we throw the door wide open to petitions." But what was the use of admitting this bare abstract right of petitioning—what did it signify whether the doors of the House were thrown wide open to applications or not, if the petitions of the people produced no effect; if they were merely received and neglected; and if the petitioners, when they complained of grievances, were to be told, "your statements are false, they cannot be listened to; they do not even deserve inquiry into their allegations?" This was not the manner in which the House of Commons should perform its duty to the people; this was not the way in which it should fulfil its office of standing between them and the government, hearing the representations and the prayers of the former with a willing and indulgent ear, and the defence of the latter with the most scrupulous jealousy; supporting the former and leaning against the latter, proving a shield of defence to the one, and resisting the encroachments and arbitrary designs of the other.

If the fears which had been excited last year had not now ceased, and if the House had not been told that there was now no necessity for those arbitrary measures which were last year called for, he should have heard a part of his hon. friend's speech with great alarm, as a prelude to the demand of more extraordinary powers. His hon. friend had said, that the spirit of disaffection and sedition, in the manufacturing districts, was not yet quite subdued; that whatever might be the change in the state of the country, and however much the designs of conspirators might for a time be restrained; whether we possessed plenty, or suffered from want—whether we had a good harvest or a bad one—whether employment could be found or not—whether wages were high or low, there was a seditious spirit in the country, that maintained itself independent of circumstances, and that would be always ready to break out into acts of insurrection and rebellion. Fortunately, however, his hon. friend had fixed one limit, a geographical one, to the operation of this rebellious principle, he confined it to the manufacturing districts. But this spirit was declared by his hon. friend to extend to all the manufacturing districts, to be spread over nearly three million of men. What would gentlemen from the manufacturing counties say to this? What would the members from Yorkshire, from Lancashire, from Norwich, say to this sweeping charge against all the manufacturers? An hon. and learned gentleman who sat on what was called the neutral bench, had accused him, though he had not opened his mouth on the present subject this session, of saying, that government had libelled the whole people of England. He had said no such thing; but he surely might say now, not that ministers had libelled the people, but that expressions had proceeded from a quarter where it was less to be expected, which in their nature, though not in the motive from which they sprung, amounted to a foul charge against no less a body than all the manufacturers of England. This class was held up by his hon. friend as a class of the people in whom the government could place no reliance. He spoke of them as utterly unworthy of confidence. He gave them up into the hands of government; not only a government acting on the large views which he attributed to the present administration, but into the hands of any government. All his hon. friend's confidence was reserved for ministers, and so boundless was its reliance on that quarter, that it could only be compared to his own description of the treasonable propensities of the manufacturers, never to be controlled by circumstances. His hon. friend's confidence in the government was such, that he could not imagine they could abuse their power; that confidence was not limited to any set of men, but extended to all who filled the places which the present ministers occupied. He required from them no other qualification than that they should be in office, that they should carry on the administration of the country, and execute civil measures; and then, because they were not military men, and did not perform their duties so publicly in the face of the world, they were to enjoy his unlimited confidence, and the country was not to doubt that their measures were the cause of any prosperity which it might enjoy. The charge against the manufacturing population was this — that three millions of people deserved to be objects of suspicion with government; that although they did not break out into open rebellion, they were disaffected and seditious at heart; and that, as far as regarded their allegiance, their principles were rotten at the core. If this allegation proved any thing, it proved frightfully too much. It proved that we dared not maintain our freedom consistently with our security; that we could not have the benefit of a free constitution without exposing ourselves to rebellion and insurrection; and that, instead of demanding an Indemnity bill, the government ought now to come to parliament for a renewal of the Habeas Corpus Suspension act. If any part of the allegation were true, we should be taught to suspect the excellence of a constitution of which these manufacturers who were so much dreaded, were the legitimate produce.

Adverting to the bill before the House, he implored the House to reflect what kind of persons they were proceeding to indemnify. It was not merely the fair magistrate, but the spy and the informer. He denied that it would be found necessary to protect respectable individuals. It was intended for the benefit of an informer and a spy, who, by obtaining the ear of the noble secretary of state, had made him his dupe, destroying the character, and endangering the lives of innocent men. Even his hon. friend, who had supported the bill, like its other defenders, on the plea of the necessity of concealing information, he had not spoken with so much respect of Oliver as gentlemen on the other side of the House: he had not called him "that much-injured individual," or used other epithets expressive of kindness or indulgence, On the contrary, his hon. friend admitted, that no name could be too bad for him, and that all he could say in his favour was, that he was not the cause of the insurrections. An hon. gentleman (Mr. Fremantle), whom he did not know how to describe unless by saying, that he usually sat on this side of the House, and voted with the other; that he had lately changed his place from the first bench, where he was usually next his lamented friend, to one behind (a change which, however it might displease his friends, would, he had no doubt, be satisfactory to himself), had stood up on a former debate on this bill to defend his consistency, and in doing so, accused the side of the House to which he (Mr. Brougham) belonged, of inconsistency. He had assumed that Mr. Ponsonby was for the Suspension act, and that his friends, in opposing it, had been guilty of inconsistency. Nothing could be more unfounded than such an assertion and such an inference. Mr. Ponsonby, it was true, agreed in the reports of the secret committees, but he would appeal to the recollection of the House, whether Mr. Ponsonby had not himself distinctly stated, that he disapproved altogether of the measures that were adopted in consequence. The charge against Mr. Ponsonby was unfounded, for while the hon. gentleman to whom he had already alluded, by his vote, by his silence, and by his intelligible absence showed that he was about to leave those with whom he usually acted, with Mr. Ponsonby they had but one difference of opinion, viz. as to the report. On all other subjects they were agreed. His lamented friend was on all occasions the firm defender of the constitution, equally against any threatened turbulence of the people as against the encroachments of power. He was a man of too sound mind, and too firm principles, to be led away by vague generalities, unsupported by facts, or to surrender the liberties of the people, when ministers found it for their interest to sound a false alarm, and pack committees to find matter of accusation against the country. He kept to the sheet anchor of the constitution, and the more the storm raged, he held by it the faster as the only means of weathering it out. He was a true constitutional lawyer of the old school. His wisdom enlightened, and his eloquence roused, the House, whenever any question of constitutional right came before it; and he held this maxim, that it was the grossest delusion, and the height of impolicy and inconsistency, for those who had Whiggism on their lips, to say that at the first moment of disturbance they should deprive themselves of that constitution which, as it was the best security against the power of the monarch, was the best safeguard against the turbulence of the multitude; and had he now been present his warning voice would have wrung in the ears of his hon. friend to recall him to his forgotten Whig principles. His language always was, let us preserve the constitution entire in all its parts, and in perfect vigour, then we can defy turbulence from without, the engines of corruption within, and the most dangerous enemy of all, the influence of the Crown. If the alarm last year had been really felt by the ministers, and if in consequence of that alarm they had committed conscientiously some illegal acts to prevent apprehended mischief, he (Mr. Brougham) should not have felt such a repugnance to the present measure; but the Suspension act, and the other measures themselves, to which they resorted, proceeded from a sense of their own unpopularity, and a desire to preserve their places, rather than from any danger which they believed to threaten the tranquillity of the country. They saw that from their conduct in maintaining a large standing army, and opposing every recommendation for retrenchment, their places were in jeopardy, and hence originated their plots and conspiracies, and cries of alarm. Had they been before the beginning of last session as secure in their seats as they found themselves in a short time to be, or as they thought themselves now—could they have anticipated the large majorities which excited so much cheering in the late stages of this bill, he might be wrong, but he believed in his conscience, that the country would not have suffered the infliction of the Suspension act. They thought a plot necessary for their power; they made a plot, and they resolved to maintain their places, though they destroyed the liberties of their country. It was now reckoned childish or romantic to profess any veneration for the constitution of the country, or respect for popular rights. His hon. and learned friend (sir S. Romilly), who had so ably opposed the present measure, had been taunted with romance for defending its genuine principles. He would say, that if it was a romance it was a romance that had given us all the advantages which those who knew not their origin could not overlook; it had made us the admiration and envy of our neighbours; and by frequent derelictions of it, like the present, we should soon cease to be the only free and happy country in Europe, or in the world. If the House thought to do its duty to the country, by agreeing to every unconstitutional measure at the bare suggestion of the minister—if they thought they should do their duty to their constituents by refusing to investigate their complaints, and by rushing headlong without inquiry, into every measure which was recommended against them—if the new doctrine of confidence in ministers, whoever they might be, obtained, he should then say that it was a matter of little consequence in what forms the constitution existed—the substance of the thing was gone—it was plainly avowed that it was fit only for fair weather, to be got rid of as soon as a storm arose, and that the rights of the people of England were not to be held even during their good behaviour, but at the good-will and pleasure of the ministers of the Crown.

Mr. *Lamb* said, there had been one misrepresentation of his hon. and learned friend, so totally unfounded, that it was impossible for him to suffer it to pass. He had said that he (Mr. L.) had made a charge of foul disloyalty against two millions of people. He was sure he had not meant to say any such thing. He had said, that a certain number of agitators still existed in the manufacturing districts; but he believed, with the reports, that those two millions of persons who resided in them were sound and loyally disposed.

Mr. *Canning* said, that, had he adhered to the doctrine which he had advanced on a former night, that it was unnecessary for ministers to take part in a discussion in which, without any arguments of theirs, the balance turned decidedly in their favour, he might well have abstained from troubling the House or himself on the present occasion; but as the question under consideration, in some degree personally involved the members of administration, it might be proper to obviate the inference which might be drawn from their silence, that they shrunk from a debate in which the propriety of their conduct was implicated. It had been truly stated, by an hon. gentleman (Mr. Lamb), that an Indemnity bill did not necessarily and inevitably grow out of a bill for the suspension of the Habeas Corpus; but it grew out of the same circumstances of the country which occasioned the Suspension bill itself. Under these circumstances, there might be some persons who, exerting themselves strenuously and faithfully for the public safety, had, in some instances before the suspension, perhaps overstepped the strict limits of the law. Were not they to be protected and indemnified by those who had reaped the benefit of their exertions? There were others who, having, after the suspension, acted conformably to the law, would, nevertheless, be unable to make their defence, or to offer their justification, without a disclosure of evidence that might be attended not only with inconvenience, but with positive danger. He would not say, therefore, that the Indemnity bill was the *necessary* consequence of the suspension of the Habeas Corpus; though, of all men living, the hon. and learned gentleman who spoke last was the last person who ought to avail himself of this point; for that hon. and learned gentleman, when defeated last year in two efforts to prevent the suspension, had consoled himself with the prospect of the opposition that he should make to the bill of Indemnity. In *his* mind therefore, such a bill was intimately, if not inseparably, connected with the suspension of the Habeas Corpus act. The necessity, however, of a bill of indemnity grew out of the circumstances of the country, in which necessity the suspension act originated. This state of the country rendered it necessary for those who acted under the government, if they meant to do their duty, to outstrip the limits of the law. The same state of things induced the House to make a temporary sacrifice of that portion of their liberties which consisted in a right to trial after committal. To indemnify for acts beyond the law, in the first case; and to dispense with the necessity of justifying acts in themselves legal, but not legally proveable, except by evidence that could not be disclosed, in the second case; was the purpose of the Indemnity bill, which, so far as the second case was concerned, and so far only, was a consequence of the suspension of the Habeas Corpus act.

It had been most justly remarked, by one hon. gentleman, that the fair issue before the House was no more nor less than this; not merely whether this bill should be passed; whether the suggestions of the House of Lords should be attended to by adopting this bill of indemnity; but whether the House should retort upon the lords, instead of indemnity, impeachment. If a case for indemnity were not made out, the reason must arise not from the use, but from the abuse of the powers confided to ministers; and if abuse were established, no man could dispute that fair ground was laid for impeachment [Hear, hear!] The uniform cry on the other side was, "Give us an inquiry: let us prove our case; let us call witnesses to the bar to establish the abuse and the necessity of an impeachment;" forgetting that this was completely begging the question. This objection if taken at all, ought to have been taken last year, when the bill for authorizing ministers to detain persons without the necessity of bringing them to trial, was first brought before the House; it now came too late. The bill now before parliament was to prevent inquiry, as tending to dangerous disclosures; and those who opposed it, were arguing in a vicious circle. "Let us have inquiry, let us complete the trial of those who were by parliament directed to be detained without trial, and then we will show you, that the powers given to you have been abused." The House, however, had too much good sense to be thus misled, and would not now undo what, last year, it had so deliberately determined to do.

Without either accepting or declining the challenge to argue this measure on the ground of precedent, he might admit, that precedents, precisely and accurately according in all particulars, it was neither easy nor necessary to find. The infinite variety of modifications, of which human concerns were susceptible, forbad the expectation of so strict a coincidence of circumstances. But, as to one main point; as to the real meaning and intent of a suspension of the Habeas Corpus; as to the fact, that the very essence of that measure is not proof of guilt, by process of law, but detention without trial; one precedent, being that of the first suspension act after the revolution, was conclusive. The other side of the House (however intensely whig) would, no doubt, call good times the first year of William 3rd. In that session, a message was presented to the House of Commons, by Mr. Hampden (a name which, if possible, would render the proceeding more whiggish), to this effect: "That his majesty hath had credible information, that there are several persons, in and about this town, that keep private meetings and cabals, to conspire against the government, and for the assistance of the late king James: that his majesty has caused some of those persons to be already apprehended and secured, upon suspicion of high treason; and that he thinks he may see cause to do so by others, within a little time: but that his majesty is between two great difficulties in this case; for that, if he should set those persons at liberty that are apprehended, he would be wanting to his own safety and the safety of his government and people: on the other hand, if he should detain them, he is unwilling to do any thing but what shall be fully warranted by law; and that, therefore, if those persons should deliver themselves by act of Habeas Corpus, there would be another difficulty; and that, therefore, his majesty thought fit to ask the advice of this House therein."* The immediate result of this application was a bill to empower his majesty to arrest and detain persons whom he might suspect of conspiring against his person and government; in short, what is popularly called a suspension of the Habeas Corpus; expressly recognising the propriety of not bringing to trial those who might be so arrested and detained. Such was the first proceeding on this subject, of a whig ministry and a whig king. To call for inquiry, therefore, or, in other words, for trial, in the instances of those persons who had been detained under the Suspension act, was plainly and simply to argue, retrospectively, against the act itself; to call upon parliament to retrace its steps; or, more unjustifiably still, to try the conduct of ministers by a rule, the very reverse of that which parliament had laid down for them. He repeated, if ministers had abused the powers which this act furnished them with, far be it from him to say that they ought not to be called to account; but it was for the abuse only, not for the use, of the power confided to them,—the power of detention without trial,—that they were responsible.

It was complained, that the House had neglected the remonstrances of the people; that the injured and oppressed were driven from the bar unheard, and that men, who had grievously suffered, were not permitted to obtain redress. No doubt, every man who had been arrested under the Suspension act would come to the bar and swear—no, not swear, but say—that he had been most cruelly and unjustly treated; that he was the most innocent and most injured of mankind, and that his merits only had pointed him out as an object for persecution; that he had been exposed to the most cruel tortures, and that all his calamities were to be attributed to Oliver, the spy. In the head and front of this phalanx of petitioners (and it was to be supposed, that hon. members on the other side had not been so far wanting in parliamentary tactics as not to select the best case to make the first impression) stood that renowned gentleman and instigator of murder, Mr. Francis Ward*—[Hear, hear!]. True it was, that he had now been abandoned, deserted in his utmost need, because the supporters of his petition found it convenient for their argument;—not, however, before his crimes had been detected and his character blasted; then, and not till then, he was expelled from their company; and, instead of calling, as they had done, for the sympathy of the House, for its compassion, for its tears over the sufferings of this admirable and amiable being, the other side dropped his name entirely, or merely insisted that the merits or demerits, of this Luddite, this hirer of assassins, this instigator of murder and rebellion, had nothing to do with the other petitioners. Assuredly, the case of Mr. Ward was not precisely that on which the House of Commons would think fit to found an impeachment of government.

Ward and all his patient sufferings being abandoned, next, with all the pomp of eloquence and all the flexibility of pathos, was introduced the ever-to-be-revered and unhappy Ogden: his name was pronounced with all the veneration belonging to virtuous age and silver hairs; and yet, on inquiry, what did his case turn out to be, but that he had been cured of a rupture at the public expense!—[Hear, hear!] The greater part of the petition of this ill-used personage consisted of a nice and particular description of the manner in which his extruded bowels writhed round the knife of the surgeon;* and it was impossible to forget the general shudder felt by the House when that part of the petition was read; yet the plain truth was, that this man had laboured under this affliction (asserted in the petition to have been produced by the severity of his confinement) many years, and that he took advantage of his imprisonment to have it cured *gratis*, expressing afterwards, to his relatives and friends, the comfort and delight he experienced on being thus made a new man again.—[Continued cheers.] This might be a very fit case to be brought before the Rupture Society, but to require upon it the decision of parliament, was such a daring attempt upon its credulity, as would probably be never again attempted. What had parliament to do with such a case, except it had arisen out of parliamentary enactment?—a suggestion, in this instance, grossly and notoriously untrue. [Cheers.]

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* New Parl. Hist. Vol. 5, p. 153.

* For Ward's petition, see p. 104.

It might be said, that he had not gone through the whole of the petitions; but he had followed those on the other side in their selection. Ward's case was relied on so long as it was maintainable; and it was afterwards bolstered up with this case of gratuitous surgery—[Much laughter.] But these petitions, when they failed, were supported by a cart load; till the tricks, and frauds, and impostures tried upon the House became obvious to all mankind, except those who were selected to bring them forward. But if the House had been duped by these gross misrepresentations; if the House had unluckily suffered itself to be imposed upon by impudence of assertion, it would not have had the consolation of being pitied for its weakness, without the bitter aggravation of being despised for its simplicity [Hear!]

Having thus happily established a case of persecuted innocence in the case of the immaculate Ward, and of refined cruelty in that of the healed and grateful Ogden; the third class of grievances (he would give one instance out of each class) was directed to the connecting government with spies. The case selected for this purpose was singularly felicitous. It was stated, that a man, named Dewhurst, a supposed spy, was seen in a gig belonging to sir J. Byng. This was maintained as a grave fact: true, it was retracted a week afterwards. Mr. Ward's positions had all been retracted; and give a week more, and there was nothing that would not be retracted, as far as related to the petitions.—The legislature, however, could not wait their pleasure, and must judge for itself on the probabilities as they appeared. Half of the charges which they had made in their petitions, had gone off by their own confessions; and it did seem a little whimsical, that parliament was to take the other half for granted. The proposition regarding Dewhurst had two tangible parts; first, Dewhurst; secondly, gig. Now, shortly after this statement, there came from sir J. Byng, not a *verbosa et grandis epistola*, but a very pithy note; stating, first, that there was no such man as Dewhurst; secondly, that he had no gig—[Hear, hear!] The law maxim, referred to by the learned opener of the debate, was here quite in point, "*de non apparentibus et non existentibus eadem est ratio;*" unless it could be shown, that the rule was different where, as in this instance, there were two nonentities, the man and the gig: as two negatives make a positive, so two nonentities might, in the understanding of some hon. gentlemen, make an entity. He remembered a story told by Mr. Fox, which was illustrative of the same position. It referred to a period when persons on the continent were not so well-informed as at present upon matters of geography. At that time, some foreigners had a notion, that there was a road to England without crossing the sea; that, though it was a long way about, yet that it was possible, by going far enough north, to reach England by land. A gentleman of Naples once asked an English traveller, whether it was not practicable to travel to England from Sicily by land. "Certainly not," said the Englishman; "you know that you cannot go to England, even from Naples, without crossing the sea." "That is very true," replied the Italian, "but Sicily is an island too!" [Continued laughter.] So, with regard to this story, if Dewhurst had existed without the gig, or the gig without Dewhurst, the impossibility of the story would have been admitted; but, as there was no Dewhurst and no gig, both being in the same predicament, nothing was more easy than to establish a connexion between them.

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* Ogden's petition will be found at p. 412. The following is the passage referred to by Mr. Canning:—" The ponderous irons the petitioner was loaded with broke his belly, and *caused an hernia to ensue about eight o'clock in the evening*, when going to bed, and it was impossible to alarm the gaoler; the petitioner remained in that dreadful state for more than sixteen hours in the most excruciating torture; on the turnkey appearing in the morning, two surgeons were sent for, who, after using such means as seemed to them necessary, found nothing would do but the knife, and apprehended, from the petitioner's age he should die under the severe operation; the pain he endured was so great, that he insisted on that means being resorted to; they unwillingly commenced the operation, which continued for one hour and forty minutes; and, praised be God, and the skill of the surgeons, the petitioner survived it, contrary to the surgeons expectation, but much debilitated in his constitution, and he is fearful he shall never be able to follow his employ as a printer; Mr. Dixon the surgeon, and his partner, performed the operation in Horsemonger gaol, and can witness to the truth of this statement; the wound in the groin of the petitioner was above seven inches in length, and Mr. Dixon had his entrails out of his belly in his fingers, like a link of sausages."—The fact turned out to be, that the man had been afflicted with this disease for many years, and that the attack of it " *at eight o'clock in the evening*," so far from being caused by the irons placed upon his arms at the time of his apprehension, did not come on for several months after he had been in prison *without irons*. A letter from Ogden to his wife, bearing testimony to the kindness and humanity with which he had been uniformly treated in prison, and rejoicing in the cure of his old complaint, was published in the Manchester papers.

After the experience of Ward, Ogden, and Dewhurst, it was certainly dangerous for the accusers of government to mention names; and accordingly, for the last week, the House had had nothing but offers of anonymous testimony. An hon. gentleman, now unfortunately not present in the House (to whom therefore he would not allude farther than to quote the fact of his assertion), stated that he would prove, that Oliver had early declared, to a respectable gentleman, his intention of producing a general insurrection, for the purpose of reforming the state by physical force. Now, what would the House think of a "respectable gentleman" who, knowing of the existence of a conspiracy against the government, never disclosed the plot until the conspirator became an informer? [Hear!] This concealment, perhaps, was not treason; he (Mr. C.) was not lawyer enough to decide whether it was strictly and technically misprision of treason. But, morally speaking, and according to the ordinary dictates of common sense, was it too much to attribute to him, that he wished to see the government overturned, and was only prevented by dastardly cowardice from joining in the plot?—[Continued cheers.] The hon. member for Durham had arrived from a distant part of the country to cast new light upon the subject; and he brought forward another respectable gentleman, who would swear that he saw Oliver rioting in the park on the day that the Prince Regent was assailed; and who, though he thought it exceedingly wrong, had also held his peace upon the subject. He had, indeed (this respectable gentleman), confided it to his friends; and since that time the most respectable gentleman had confided it to a most respectable morning paper. Here again, however, we have a tolerably correct measure of this most respectable witness's motives of action. Why conceal the outrage at the time? Why bring it forward now? After this outrage, had not an anxious inquiry been instituted; had not magistrates taken examinations upon the subject; had not the public journals been filled with particulars, which, for want of evidence, ended in nothing? It was impossible that any man could be ignorant of the fact, that a public investigation was on foot; yet this respectable gentleman, whose loyalty was bursting his bosom, who adored his king and his country, never thought of going before a magistrate to give his important testimony. Why? because it was false; or, if it were true, it only proved, that he had not given evidence, because he loved Oliver while he was a traitor, and hates him only now he is an informer—[Cheers.] It was impossible, however, not to feel assured, that the whole story was a recent invention, and no man, but a dolt or an idiot, could believe a word of it;—of course, he did not mean to apply the epithets, dolt and idiot, to the hon. gentleman (Mr. Lambton); all he (Mr. Canning) meant to say was, that he should consider himself a dolt and an idiot if he gave the statement one moment's belief—[Hear, hear!]

It was said, that the House would desert its duty, if it did not hear the evidence of all these respectable *anonymi.* "If this were done, it would presently be found, that all the imputations against Oliver were true; that he was, in fact, the sole insurgent throughout the country, the contriver of all plots, and the instigator of all violence." Now, how would this be proved? One nameless gentleman would assert, and Oliver would contradict it;—and we should be then just where we were now, balanced between two contradictory asseverations. For instance; the hon. gentleman asserted, that Oliver had been sent from London as a delegate. What was the fact? Why, that Mitchell was the London delegate, and had taken Oliver with him. Oliver, being once introduced as a delegate, was obliged to pass for one; for it would have cost him his life to disavow it. Again, the speech ascribed to Oliver by Mitchell, was true as it related to Mitchell, but false as to Oliver. The story of the 70,000 men came from Mitchell, and not from Oliver. What was the evidence upon this subject? Why, a third person, who fell in company with Mitchell and Oliver together, relates the conversation that passed between them, only ascribing to the one speaker what was, in fact, said by the other. This might be from mis-recollection; but it was not uncharitable to suppose, that it might be also from design; for the moment that Oliver's employment was known, all the sayings and all the actions, the plans and the outrages, were, by the common consent of the disaffected, heaped one and all upon Oliver. Many, who had never seen him, quoted his words, and commented on his bearing; and how was the truth to be gotten at, among so many irritated feelings and alarmed interests, by any course of unsworn investigation? It was not, therefore, indifference to truth that deterred the House from such an investigation; it was the uselessness, the hopelessness, and the endlessness of the process that deterred them. The hon. member for Bramber (Mr. Wilberforce), had justly remarked, that an inquiry, once gone into on these matters, must be interminable. Could a better illustration of this truth be desired than the proposal of the hon. member for Norwich (Mr. W. Smith), that all the private transactions of Oliver's life should be ripped up; that an inquiry should be set on foot to ascertain whether he had regularly paid his tailor's bill, and of how many chips and shavings he had cheated his master, the carpenter? A chip and shaving committee was to be appointed, with power, instead of persons, papers, and records, of sending for surveyors, builders, hatchets, planes, and carpenter's rules; with a special appointment to inquire into the merits of three indictments, two suits in the court of King's-bench, and a disputed award [a laugh]. These were the matters to be referred to a select committee [Hear, hear!]. The private character of Oliver was, doubtless, a point of some importance; but no man disputed that intelligence, respecting plots against the State, in nine cases out of ten, often must arrive through polluted channels; it could only be obtained from repentant traitors, from accomplices, or from informers; and, though there might be those whose minds were so philosophically turned, that they would wish all discoveries to be providential, rather than employ such agents; still he was one of those who held, that it was prudent to employ human means to maintain human institutions.

An honourable gentleman had attempted to draw a distinction between an informer and a spy; but it was a distinction that would not bear examination. For what was the state of the case? Simply this; that if a man brought information to government, it might be credited the first time; then, it seemed, he was only an informer: but if the informer, at the recommendation of government, should proceed to gain fresh information, the second fact would be good for nothing, because he would then be a spy: twice an informer was once a spy. Or, perhaps, the honourable gentleman had in his mind some analogy to the nature of the bee; the bee, it was said, could sting but once, *animamque in vulnere ponit.* So the informer, it was inferred, could make but one information, and all his power of observation, all his faculty of seeing and hearing, became immediately extinguished. The honourable and learned gentleman, (sir S. Romilly), had been pleased to refer to the "immortal bard" (Shakspeare) for authority. Certainly, he could not go to a better source: if he had carried his researches into that author a little farther, he might have found a description of an informer, which seemed to tally exactly with his own *beau idéal* of such a character. He alluded to that informer who,

"So dull, so dead in look, so wo-begone,
Drew Priam's curtain in the dead of night,
And *would* have told him half his Troy was burned,
But Priam *found the fire, ere he his tongue.*"
[A loud laugh.]

This, he presumed, was just such information as the hon. and learned gentleman would allow government to receive. He did not know whether it might be imputed to his own obtuseness of intellect or hardness of heart, but he must say, that if Priam, thus rouzed from his slumbers, had, instead of inquiring about the fire, detained that pale, wo-begone man, to question him about his birth, parentage, and education, he, for one, however the hon. and learned gentleman might applaud the conscientiousness of such an examination, should have felt much less commiseration for the fate of that venerable monarch than he did at present [Much laughter].

His hon. friend, the member for Bramber, whom he saw just returning to his place, might, perhaps, think he was treating this part of the question with too much levity; but he would beg his hon. friend to consider again, whether the mere fastidious and theoretical notions on the subject of spies and informers, which his hon. friend had maintained in a former debate, were in fact reducible to practice. Among the many virtues which distinguished and adorned his character, his hon. friend had one quality which might be considered a defect; he was apt to think every man as good and as honest as himself: still, he was sure that his hon. friend had lived long enough to have found, by experience, that the world cannot be governed on any theoretical notions of purity. He must have felt, too, that as it was the sweetest reward of virtue, to have a perfect confidence in all around it; so it was the greatest curse of crime, that it could not trust even its dearest associates: to take away, therefore, from crime its penal terror of being betrayed by its intimates, and to communicate to it the best privilege of virtue, what was it but making virtue the prey of crime? [Hear, hear!] His hon. friend (Mr. Canning was sure) would not give into the foolish and vulgar notion, that the treating with merited ridicule whatever was absurd and contemptible in the arguments by which a grave subject was supported, implied any want of due estimation of the subject itself. No, he (Mr. Wilberforce) had too much good sense as well as good taste, not to feel that, in brushing away the cloud of follies, of frauds, of artifices, and impostures, with which this most important matter had been disfigured and overlaid, he (Mr. C.) had only made his way more effectually to the substance of the question, and qualified himself to treat it with becoming seriousness, when divested of the accessories which covered it with ridicule and contempt.

The hon. and learned gentleman who opened the debate had, indeed, endeavoured to throw a gloomier colouring over this worn-out topic of spies and informers, by contending, that the proceedings of Vaughan and others, the miscreants who had excited and nurtured offenders against the law, for the sake of bringing them to punishment and earning blood-money at their expense, were to be defended on exactly the same principle as that on which the government justified their employment of Oliver to detect the workings of treason. His hon. and learned friend, the solicitor general, had completely disproved the alleged similarity of the two cases, and established the difference between them. But, perhaps, in this only instance, he might presume to say his hon. and learned friend had left his admirable argument somewhat short. The cases were not only different but opposite to each other. Not only was the principle of the two cases not the same, but a directly contrary principle to that which constituted the defence of Vaughan, was pleaded in excuse for the employment of Oliver. It was the principle of prevention, instead of that of punishment. It had been argued the other night, that the genius of a free constitution did not admit of the exercise of this preventive principle; that it was, indeed, the moving principle of despotic governments; but that, in free states, crimes could only be dealt with by law, and law could operate only by penal application after the fact. This might be generally true. It was true, that, in all human institutions, peculiar good was frequently compensated by peculiar evil; and by how much greater was the latitude in which civil and political freedom were enjoyed, by so much greater must be the severity of the laws and the rigour in the execution of them. Where punishment was the only sanction, it could apply only to things done; and to incur punishment, the guilty intent must be matured into the act. The principle of the Suspension bill, however, was not in consonance to this general maxim, but in exception and deviation from it. The power which it conferred was a power to *prevent:* not a power to punish (farther than the law already warranted, or farther than restraint might be considered as punishment), but to arrest the progress of disaffection, and to intercept the rebellious purpose before it had ripened into rebellion. To say that this power is not conformable to the ordinary spirit of the laws, was to say only what was not only admitted but contended for, that the Suspension act was an exception such as he had described it to be; and that those who were arraigned for their conduct under that act, were to be judged, not by the rules of the ordinary laws, but by the special rules of that extraordinary statute. So far, therefore, from adopting the excuse of Vaughan and the blood-hunters to whom they had most indecently been compared, and pleading that they pounced upon none but full-blown criminals; the plea of ministers was, that, to the best of their endeavour and to the best of their information, they had attempted to nip crimes in the bud, and to prevent what, if accomplished, the laws would visit with punishment. And in exact proportion as they had obtained the information necessary for fulfilling this duty, had they enabled themselves to perform the task which the legislature had assigned to them, with fidelity and effect.

An hon. and learned gentleman, indeed (Mr. Brougham), had animadverted severely on an hon. friend (Mr. Lamb) below him, for not keeping strictly to the bare question of indemnity; and yet the learned gentleman himself, like all who preceded him, had launched into a full discussion of all that had occurred, during the last and present year, that could bear upon the subject; and the hon. and learned gentleman had done right in so arguing; for it was the circumstances of the times which had called for the Suspension, and which called for the Indemnity bill also. Those who voted for the suspension might fairly be expected to vote for the indemnity: indeed, some hon. gentlemen had most fairly and reasonably admitted, that, though they had opposed the Suspension bill, yet, as that had been passed, and, therefore become the law, the only question now was, whether ministers had exercised moderately the powers confided to them by that measure.

A vast deal had been said about the suspension of the Habeas Corpus, as if a blow had been struck at the liberties of the whole people. This was not the case. He was as much disposed as any man to think that crisis of affairs most lamentable, which required such an extension of power. Nay, he would go farther; he not only lamented the suspension as a misfortune, but he charged it as a crime: but upon whom did he so charge it? Not on the government, who had fairly come forward, and laid before parliament the real state of the country; not on parliament, who deliberately acted upon the report of a committee of the first respectability; not upon the people of England, as had been most unjustly insinuated, to whose steady loyalty the utmost homage was paid; but upon those designing and malignant wretches, who attempted, out of the distresses of a day, to effect the desolation of the work of ages; who looked upon the famished peasant and ruined artisan, not as objects of compassion, but as instruments of crime [Hear, hear!]. How often had they heard, in that House, heart-rending declamations about the cruelty of despotism and the selfishness of warriors, which sacrificed myriads at the altar of ambition? Nay, sometimes, even, though rarely, gentlemen on the other side of the House had expressed their indignation at Buonaparté himself, who considered the inhabitants of a great empire as mere raw materials for working out his own false glory. All this was certainly bad enough; but what could be said of those who, even without the apology of this motive, which, pernicious as it was, had yet its dazzling charms for weak human nature,—what shall be said of those who, with cold calculation, enter the cottage of poverty, and, instead of sympathising with the condition of the wretched inhabitant and his starving family, calmly guage and span his misery, not for the purpose of relief, but to ascertain his capacity for mischief: not to rescue him from ruin, but to see how far he is fitted to be an agent to assist in the ruin of his country?—[Hear, hear!] These were the men against whom the crime of violating the constitution was chargeable; these were the men against whom the suspension of the Habeas Corpus was aimed; yet these were the men who were now to be put in the judgment-seat, while ministers were to be tried on their accusation and condemned by their evidence—[Loud cries of Hear!]. And this was recommended to the House as the due course of retributive justice!

But the hon. baronet (sir F. Burdett) had made, it seems, a most ingenious discovery; he had found out, that as the whole nation were determined on parliamentary reform, ministers had no other means of saving themselves from the consequences of that mighty change, than by inventing plots and fomenting conspiracies. Did the hon. baronet imagine that he could persuade any one that this was the real state of the case? Did he imagine that, by any mode of division or multiplication which he might adopt for his reform petitions, whether he presented them in tens and signed by thousands, or in thousands and signed by tens; did he really flatter himself, that he could persuade the House or himself, that parliamentary reform was a favourite measure with the people of England? Did he suppose that the great body of the nation cared one jot about his wild plans of annual parliaments and universal suffrage? Nay, could he reconcile to himself the justice or consistency of his plan of universal suffrage, as it was called? How could he excuse the omission of females and of the insane, from the classes of electors and representatives? Oh! calumniated females! Oh! calumniated insane!—was it from dread of the power of the female sex, or from jealousy of the wisdom of insanity? [A laugh]. For his part, he felt assured, that, whatever measure of exclusion might be dealt to the women, the insane portion of the community were excluded from the petitions hitherto presented, only that they might come forward, hereafter, with the more weight and effect, in a petition subscribed exclusively by themselves; and that the day was not far distant, when the hon. baronet would present to the House a petition for reform, from the inhabitants of the receptacle near Kennington, vouching for the respectful tenor of its language, and pledging himself for the constitutional temperance of its argument [A laugh].

But, if this were consistent in the honourable baronet, what could be said of the hon. and learned gentleman who had just sat down; of him who in his heart laughed at all these schemes of reform, and looked with the profoundest scorn on all who entertained them; of him who knew that every petition on the subject came either from deluders or deluded; yet, under a pretence that he was a friend to something like a reform, would, every now and then, present such petitions, for the mere purpose of popularity? [Hear, hear!]. That hon. and learned gentleman had apologised for pronouncing an eloquent panegyric on the constitution: there was no need of any apology; he should be glad to join in it, if he saw that the constitution was in danger; but, he trusted, the danger was past; sure, very sure, he was, that it was a danger of a very different sort from any which could be cured by inflaming and maddening the people. Who were the best friends of the people? Those who were always ringing in their ears the extent and imprescriptibility of their rights; or those who, while they told them of their rights, told them they had duties also? He would say to the real friends of the people, instruct, enlighten them, and there would be no danger. But do not teach them to nourish an envious jealousy of wealth, hatred of rank, and a general malignity at all superiority. It was, indeed, the proud boast of our glorious constitution, that the poorest peasant might emerge from the meanest hut, and himself, or in his descendants, rise to the highest rank in the state [Hear!]. But let there, at least, remain high ranks for them to rise to. To level ranks, would not be to equalize, but to destroy [Hear]! to confound the elements of society, and to produce universal degradation. But he asked whether every man who heard him did not know, that either in his own immediate neighbourhood, or in districts of which he had knowledge, a sedulous and wicked activity had been employed in disseminating the doctrines of discontent, and exasperating suffering into malignity? He asked whether hatred to government as government; not merely to particular individuals (a tax which those who fill ostensible situations in the state must make up their minds to bear as they may), but to government by whomsoever administered; to eminence as eminence; to rank as rank, had not been industriously inculcated? Whether the Crown and its ministers had not been proscribed as the natural enemies of the people? and this House held up to peculiar hatred and horror, as the tyrants of the Commons, whom they were especially bound to protect? The starving artisan was told by his mischievous seducer, that all his distress arose from an imperfect representation in parliament. If this assertion meant any thing, it must be this: that parliament, as at present constituted, encouraged unnecessary wars; that unnecessary wars produced extravagant expenditure; that extravagant expenditure produced exorbitant taxation; and that exorbitant taxation produced overwhelming misery. Now, what was the inference of the parliamentary reformers? Was it that parliament, more popularized, more democratically constituted, would be less inclined to war? He would appeal to all history, ancient or modern, whether democratic states were not always the fondest of war. Look at Athens, look at Rome, look at the petty republics of more modern times. Was not the appetite for war in all those governments perpetually excited and perpetually indulged? Would the case be different among ourselves? Was it not notorious, that the humblest peasants in this country had been used to sympathize with the victories of its warriors, and to feel themselves partakers in their honour? True it was, that, of late, a chill philosophy had been busy in numbing even this, the natural enthusiasm of a brave people, in sophisticating their feelings and bewildering their reason; in rendering them dead to the glories of Waterloo, but tremblingly alive to the imperfections of Old Sarum—But it would not do; and he must say, that he distrusted the sense of any man who could build a hope of discomfiture to ministers on the popularity of parliamentary reform.

It was not against parliamentary reform, but against the frantic follies circulated under its pretext, and the mischief attempted to be perpetrated in its name, that government had appealed to parliament, and that parliament had had recourse to the Suspension act. That act was, happily at an end. He was not disposed to undervalue the evil of its enactment, whether in itself, or whether considered as a precedent for other times. But *they*, surely, read but ill the signs of the present times who thought, that, in or out of parliament, there was a leaning against the people. It was not more idle for the rhetoricians of imperial Rome to declaim about Brutus and Tarquin, than it was now to talk about servile parliaments or an usurping crown. The dangers which now threatened society were of a different kind, and came in a different direction; and it was the duty of parliament to guard, with equal watchfulness and courage, not only against the blast of the lightning from above, but against the destructive explosion from below. But, once more, let him hope, that the danger was for the present, passed away. If, in the hour of peril, the statue of Liberty had been veiled for a moment, let it be confessed, in justice, that the hands whose painful duty it was to spread that veil, had not been the least prompt to remove it. If the palladium of the constitution had, for a moment, trembled in its shrine, let it be acknowledged that, through the vigilance and constancy of those whose duty it was to see that the fabric took no harm, the shrine itself had been preserved from profanation, and the temple stood firm and unimpaired.—[Loud and long cheering].

Mr. *Lambton* rose to ask an explanation as to the terms dolt and idiot, so liberally applied by the right hon. gentleman.

Mr. *Canning* said, that the words had dropped from him unintentionally in the heat of the debate, and that he had no design of applying them in their common acceptation.

Mr. *Lambton* supposed so: indeed, it was not of any consequence, except in one sense—and that was, a sort of fear that as the right hon. gentleman had applied the same terms to the dear friends now united with him in office, the use of them might be a prelude to an intimate union between him and the right hon. gentleman [a laugh]. But he rose chiefly to say, that he would pledge himself for the respectability of the person who had given him the information respecting Oliver. He was a person not connected with any plot or conspiracy, but a mercantile gentleman of consideration. If the House would let him, he would pledge his honour to prove all he had asserted, unless the right hon. gentleman should be disposed wantonly to depreciate his (Mr. Lambton's) honour and character, as he had already that night cruelly sported with the disease and agony of an unfortunate petitioner [Hear, hear!]. The right hon. gentleman had made many severe and unfair allusions to the conduct of that individual, in suppressing, as he (Mr. Canning) asserted, the information he could have given with regard to Oliver's conduct on the 28th of January, and had stigmatized him as a traitor for not having communicated with government on the subject. Neither of those charges had the slightest foundation. That person communicated, on the same evening, to several respectable witnesses, whom he (Mr. L.) could produce, what had occurred in the park. The facts were the subject of general conversation amongst his acquaintance, and continued to be so for several months. With regard to the gentleman's motives for not acquainting lord Sidmouth with those facts, he could say nothing; but he thought a sufficient justification might be found in the notoriety which existed of Oliver's being employed and patronized by that noble lord. That those were the motives of the person in question he would not assert; but to his (Mr. L.'s) mind, they would have appeared of sufficient weight to induce him to adopt the same course. The right hon. gentleman had asserted, that the whole story was destitute of foundation. He (Mr. L.) remained of a directly contrary opinion. He challenged inquiry into the case—he demanded to be allowed to prove his allegations at the bar of the House. If that inquiry was not instituted, the country would be enabled to see clearly enough, that the facts asserted by him were such as could not be disproved.

Mr. *Croker* said, that in order in any degree to justify the silence of the anonymous individual, it was necessary to believe that he knew Oliver to be in the employment of lord Sidmouth at the time when the transaction alleged was said to have taken place—a fact which it was manifest was impossible. If this anonymous person was a man of respectability, how was it to be accounted for that he had not communicated his information at a time when the House was engaged in an inquiry upon the subject—when addresses were presented on the subject? It was said, he was deterred by fear of the Suspension act. Now he begged it to be observed, that the outrage on the Prince Regent was perpetrated on the 28th January—the Suspension act passed on the 4th of March. During that interval, proclamations were issued, offering large rewards to any person who could give information as to the persons concerned in the outrage. An investigation was going on for six weeks at the public office at Bow-street. Why, then, was information not given when it was so loudly called for? If Oliver, since that time, had done any mischief to his fellow-citizens, the man who knew his conduct, and concealed it, was answerable for such subsequent mischief; for he, by doing that which the proclamation called for, which the law enjoined, which the feeling of every good man would dictate, might have stopped Oliver in his career. Upon his head, therefore, must be charged all that had been subsequently done by Oliver.

Sir *John Newport* rose amidst such vehement cries of question! that not a word could be heard for some time. The right hon. baronet animadverted on those who were so anxious to pass to the vote and decide without hearing. He expressed some displeasure at the right hon. gentleman for presuming to anticipate his line of argument, and observed, that that right hon. gentleman, in his zeal to prove the truth of one of his assertions, that a very absurd argument might be made on a very grave subject, had himself kindly illustrated it in his own speech. The right hon. baronet strenuously opposed the commitment of the bill.

Mr. *Barnett* said, he could not suffer this bill to go into a committee without entering his protest against the justice of it. He trusted that the House would have honesty and firmness enough to reject so iniquitous a measure.

The question being put, " That Mr. Speaker do now leave the Chair," the House divided:

Ayes, 238—Noes, 65.

List of the Minority.

Abercromby, hon. J.
Althorp, viscount
Aubrey, sir John
Baillie, J. E.
Baker, John
Birch, Jos.
Brand, hon. T.
Brougham, Henry
Burdett, sir F.
Burrell, hon. P. D.
Burroughs, sir W.
Byng, George
Calcraft, John
Calvert, C.
Campbell, hon. J.
Carter, John
Duncannon, visc.
Fergusson, sir R. C.
Fitzroy, lord J.
Fitzgerald, lord W.
Guise, sir W.
Gaskell, Benjamin
Hamilton, lord A.
Heron, sir. Rob.
Howard, hon. W.
Howorth, H.
Hughes, W. L.
Hornby, E.
Hurst, R.
Latouche, Robt. jun.
Lambton, J. G.
Lloyd, sir Ed.
Macdonald, Jas.
Madocks, W. A.
Markham, admiral
Martin, John
Monk, sir C.
Mostyn, sir T.
Neville, hon. R.
Newport, sir John
Ord, W.
Piggot, sir A.
Pym, Francis
Ramsbottom, John.
Ridley, sir M. W.
Robarts, W. T.
Romilly, sir S.
Scudamore, Robt.
Sharp, Richard
Shelley, sir John

Smith, S.
Smith, W.
Smyth, J. H.
Symonds, T. P.
Stanley, lord
Tavistock, marq. of
Tierney, rt. hon. G.
Walpole, hon. G.
Waldegrave, hon. W.
Warre, J. A.
Webb, Ed.
Wilkins, Walter
Wood, Matthew
Webster, sir Godfrey

TELLERS.

Barnett James
Douglas hon. F. S.

PAIRED OFF.

Cavendish, hon. H.
Fazakerley, N.
Latouche, J.
Lefevre, C. S.
Martin, Henry
North, Dudley
Newman, R. W.
Plumer, W.
Ramsden, R. C.
Russell, R. G.

HOUSE OF COMMONS.

Thursday, March 12.

MOTION FOR THE REPEAL OF THE LEATHER TAX.] After a great many Petitions for the Repeal of the Leather Tax had been presented to the House,

Lord *Althorp* rose, pursuant to notice, for the purpose of calling the attention of the House to a most important branch of British manufacture—he meant the Leather trade. The subject having been fully before them last session, he felt it less necessary to enter much at large on the present occasion; he would therefore confine himself to the object he had immediately in view, namely, the extraordinary grievance which that trade sustained by the additional duties imposed on it, and the necessity of repealing those duties. In proposing the motion he had in view, he felt it necessary to point out to the House the comparative state of the leather trade, before and since those additional duties were imposed. In doing so, he was sure he should have the concurrence of the honourable members on the other side of the House. There might be some difference of opinion as to the state of depression in which the leather trade was known to be at present, compared with former periods. It might be argued, that that trade was not in a state of depression, and therefore there was no occasion to take off the additional tax. But if he showed that since the additional tax in 1812, the leather trade was depressed from the flourishing state in which it was previously, and that such depression was caused by the tax, he trusted he should have the support of every member who knew the value of that manufacture. The numerous petitions which had been presented from all parts of the country, were in themselves a proof that the additional duties were severely felt by that trade. It might be said, that people of all trades were ready to petition parliament for whatever they might consider beneficial to themselves. But he would say, in answer to that argument, that when more than one hundred petitions were presented from the different places where that trade was carried on, it evinced pretty strong evidence, that there must be some hardship felt more than those usually complained of by manufacturers. The next point to which he would call their attention was, the increased number of bankruptcies since the tax, compared with the number before its imposition. During the five years previous to the additional duties being imposed, there were forty-five bankruptcies in the leather trade, making an average of nine in each year. Whereas in the five years immediately subsequent to that period, there were 75 bankruptcies, making 15 in each year, and a surplus of 30 bankruptcies in the five years. In 1808 there were 1725 licences for the manufacturing of leather; in 1812 there were 1760; but in the course of five years after the additional tax, there was a reduction of 889 licences, which showed that the additional duty was oppressive. Within the last half year, there had been thrown out of the trade no less than 189 tanners, 338 tawers, 41 oil-dressers, and 12 parchment-makers. This, indeed, appeared from the accounts on the table, which also showed that the trade had gradually declined ever since the additional tax was imposed, notwithstanding the last five years and a half included the years of the late war, when its consumption was the greatest; and showed the number of master manufacturers which had been driven out of the trade, up to January 5th, 1818; and the number of tan-yards which remained unoccupied. He stated, that those yards which were still occupied were not in full work, and that the trade had declined equal to one-seventh, instead of having increased with the population of the country, as it had always done before the imposition of the double tax. The decrease of this trade, the noble lord deduced also from the diminution of the import of foreign hides, which diminution was nearly equal to one-half the quantity imported in 1812. When the import of the raw material used in this trade had thus fallen off, it must, he thought, be inferred, that that trade itself had fallen off also. Was it possible, then, that any considerate man would put the receipt of a comparatively insignificant proportion of revenue in competition with such consequences as this additional tax produced. But the falling off in the revenue itself, arising from this tax, furnished a proof of the depression of the trade, especially since the peace of 1814. He was aware that the produce of the tax had rather advanced within the last year, but that advance was in fact the consequence of the increased quantity of leather disposed of in that year by those who were selling off their stock, in order to get out of the trade altogether. The whole produce of this tax did not exceed 200,000*l.*; and be it recollected, that the tax objected to was imposed in war—that it was deemed a war tax, which was to cease upon the restoration of peace. But, was the sum which he had stated such as should reconcile the House to the hazard, if not the ruin, of a great branch of our manufacture? It was calculated that not less than 71,000 persons had been already deprived of employment by the depression of this trade, in consequence of the additional tax, and that the loss thus sustained in the resources of the country, exceeded one million and a half. Surely, then, the House would accede to his motion, and not allow any temporary advance of revenue to operate against the permanent interest of trade. Of what consequence was any casual amount of revenue, if it endangered the security, or menaced the prosperity, of that trade from which all revenue was derivable. Our national wealth depended upon the stability of our trade, and he trusted that that stability would never be risked to answer any temporary financial expedient. In proposing to repeal this objectionable tax, he could not imitate the example of his hon. friend (Mr. Calcraft) upon the subject of the Salt-tax, by holding out the promise of any substitute; for, in his view it was in the power of ministers themselves to provide that which was the best substitute for taxation, namely, such a reduction of our expenditure and public establishments, as it was their duty to make. The noble lord concluded with moving, " That leave be given to bring in a Bill for the Repeal of the additional Tax upon Leather, imposed in the year 1812."

The *Chancellor of the Exchequer* observed, that though the noble lord had stated two or three reasons why he thought the bill necessary, yet he did not appear to be satisfied in his own mind that it was so. If the noble lord had moved for a committee to inquire into the necessity of the bill, he would not have offered the least objection to such a measure. He was aware that the complaints made by the different petitioners should be attended to, and no member was more ready than himself to afford all possible relief to such complaints, when they came before the House in a distinct shape. He would, if the House concurred with him, move as an amendment, that a committee be appointed to inquire into the allegations contained in those petitions, and to report to the House thereupon. In the mean time, he would inform the House what was the state of the leather trade, which was said to be so depressed, and the revenue of which was said to be so unproductive. In doing so, he should be obliged to refer back to the period before the conclusion of the American war. For the four years after 1778, the average amount of the leather tax was 204,000*l.* In the four years before 1791, it was 215,000*l.*; in the four years before 1812, it was 394,000*l.*; and in the last two years since the peace, it was 264,000*l.* It appeared from those statements, that the duty did not by any means impede the consumption of leather, as it appeared, that between 1791 and 1815, there was an increase of 50,000*l.* a year. The noble lord said, that the leather trade was in a more impoverished state than any other, and, as an instance, mentioned the increased number of bankruptcies. But if the noble lord would inquire, he would find that fifty six of the seventy-five bankruptcies mentioned had taken place within the last two years and a half. That number deducted from the whole number, seventy-five, within the period mentioned would leave a less average than the noble lord had laid down for the five years before the tax. With respect to the number of licences, it was perhaps known that the peace of 1814 had disappointed several leather manufacturers, who reckoned on a continuation of the consumption occasioned by the war. Another ground mentioned in favour of the bill was the decrease in the importation of hides. But the noble lord should recollect, that during the war England was the great market open to the continent of South America, and that the greater part of the continent was supplied by England with the hides which came from that country. But now that peace was restored, England shared that market with other countries, and could not expect more than a share of what formerly came to her exclusively. The decrease in the importation of hides could not therefore be imputed to any operation of the additional tax. But he would show the House that the leather trade not only had increased, but was still increasing, as well in consumption as in price. In March 1817, sole leather was from 15*d.* to 17*d.* per lb.; and in March 1818, it was sold at from 18*d.* to 21*d.* per lb. There could not be a stronger proof of the flourishing state of any manufacture than an increase in its machinery. Now, before the additional duty on leather, there were but one steam engine used in the leather trade; but since that duty was imposed, there were five employed in it. If the noble lord could bring any instance where a branch of the leather trade, not liable to the additional tax, flourished beyond those others which were subject to it, it would make something for his argument. He would show the converse of that principle, He would show to the House, that a particular branch of the leather trade, not subject to the additional tax, instead of flourishing, as ought to be expected (according to the noble lord's statement), had decreased in a most serious degree! he meant the oil dressed leather. That branch of the leather trade produced 133,000*l.* yearly before the tax was imposed on the other branches; but since that period, and while those branches on which the additional tax was imposed had increased, the branch to which he alluded had so fallen, as not to produce more at present than from 40,000*l* to 50,000*l.* a year, a strong and convincing proof that the tax was not likely to depress the trade. Another argument used was, that the number of petitions against the tax was so great as to show clearly the extent of the grievance complained of. He did not mean to treat the petitions with neglect. He should have no objection to their being, as he before said, referred to a committee to examine into the truth of the allegations contained in them. But he wished to let the House know how it came to pass that such a number of petitions were presented to the House against the tax on leather. He would beg leave to read part of a letter which had come into his possession, and which had been addressed as a circular to all persons connected with the leather trade. It was as follows: "It is necessary that you should send as many petitions as possible to parliament against the additional duty on leather, before Thursday the 12th of March. Every exertion ought to be used, both by applying to members, and by every other means, as the present very favourable opportunity is not to be neglected." Such were the means used to collect the number of petitions, which were used as an argument in support of the proposed bill. He begged the House to consider calmly what would be the result of repealing duty after duty, on the complaints of petitioners. There were at present petitions on the table praying the repeal of duties and taxes to the amount of three millions and a half, without including the English window tax, which would probably share the fate of the Irish window tax, if the latter were repealed. If the entire of the taxes were to be repealed in that way, what was to be done? The noble lord pointed out a remedy, which was, to reduce the establishments. But if they were to go on repealing one tax after another, there would be no need of reducing the establishments, they would reduce themselves. The noble lord wished that such a reduction should take place in the army as would save to the country the sum of 180,000*l.* annually, though if the proposed deductions had taken place, and the half pay, &c. were deducted, there would not be more than 100,000*l.* saved. But allowing that the 180,000*l.* was saved, how would that cover the sum of 260,000*l.* which the noble lord's motion would take from the revenue? He hoped what he had stated would be taken into consideration by the House, and if they doubted his statements let a committee be appointed, and he would refer the papers to that committee. If they were to continue repealing the taxes which were necessary to the country, they would in a short time have no other alternative left but disgrace and bankruptcy on the one hand or the imposition of the property tax on the other.

Mr. *Curwen* said, that no one hated the property tax more than he did; yet, if he were certain of that tax being the consequence of his vote, still he would support the motion before them. He thought the chancellor of the exchequer had not at all made out the propriety of the tax on leather. He had omitted to state, that the year before last there was a decrease on leather to the amount of 90,000*l.* The increase of the revenue on leather last year was occasioned by a rise which took place in leather, which caused all the holders of that article to dispose of it, and not because the trade was becoming more flourishing. With respect to steam engines, the use of those machines by the leather manufacturers was owing, not to their increase of trade, but to the reduced price at which such machines were made. He would have no objection to a committee being appointed were it not that committees had been before appointed on the same subject without effect.

Mr. *Benson* said, that the petitions were presented to the House, not because a circular had been sent round, but because the manufacturers of leather felt the pressure of the heavy taxes to which they were liable. He should object to a committee being appointed, as he knew that if such were to be the case, it would sit all the session without coming to a conclusion. When the additional duty was imposed it was considered as a war tax, and that it would be removed on the return of peace. But now that we were at peace the House were told that the tax was still necessary. If the tax were repealed, he was convinced the consumption would be very considerably increased, and in the end the revenue would thereby be materially increased. He would ask the right hon. gentleman, whether 170,000*l.* was a matter of such importance as that he should in consequence neglect the petitions of so vast a number of industrious tradesmen, whose families were reduced to want by the pressure of the present system of taxation. It had been said that the use of steam engines was a proof of the increase of the trade, but it was a fact, that these engines were used in order to save the expense of a greater number of people who would be employed if the trade were as it formerly was. He would not proceed farther into the subject at that time, as the matter was already fully before the House.

Lord *Castlereagh* agreed with the hon. gentleman who had just set down, that the matter was fully before the House; but he still could not avoid saying one or two words upon it, because he conceived the principle of the present motion was one which involved consequences of very great importance. He wished it to be understood, that it was the wish of his majesty's government to afford relief to every class of the community; but he apprehended that all such petitions as those on which the present motion was founded, ought to be attended to with considerable caution; for there might, upon every subject of taxation, be such warm appeals made to the feelings of the House, as, if effectual, would soon leave the country without any revenue. The noble lord who had brought forward the present motion, was as well acquainted with the subject as any person could be supposed to be, and he could not deny that a committee to examine into the petitions would be likely to be attended with considerable effect. The result of the last committee was not such as was expected by several members. It had produced good effects by the suggestions respecting the trade which were contained in its report, and which were acknowledged by most of the persons concerned in the business. He hoped the House would pause and consider the subject seriously, before they adopted the motion. He trusted that, out of any false or mistaken feelings of humanity, they would not do an act which would tend to destroy the revenue of the country. The House should be aware, that even if the additional duty were repealed, one part of the evil complained of, the decrease of the number of manufacturers, would not be remedied; for the great capitalists in the business would still continue to overlay the small ones. It might, perhaps, be to be wished, that the different branches of our internal industry were more extended among the people; but that was a thing which could not always be accomplished. The tendency of great capital was to collect that branch of trade in which it was vested into large masses, and thereby to absorb the smaller establishments. If he was wrong in this opinion as affecting the leather trade, he erred with many who were better acquainted with the subject than he was, and this should more strongly prove the necessity of referring the whole matter to a committee.—There was only one point more on which he should advert. It was, that although there might have been a diminution of the demand for leather, yet that late returns showed the trade to be reviving. From a comparison of the quantity of leather exported for the five years before the increased duty, with that which had been exported in the same period after it, the account was entirely in favour of the latter period. For the former five years, the quantity exported was 5,603,395 pounds weight, and that in the latter years, including the year 1817, it amounted to

10,710,073 pounds. This proved the increase of the trade; but if the number of the manufacturers was diminished, it was to be attributed to the cause he had before stated, the effects of great capitals being embarked in the business. As he considered that the suggestion of his right hon. friend of a select committee would be attended with good effect, he should move, as an amendment to the motion of the noble lord, to leave out from the word "that," to the end of the question, in order to add the words, "a select committee be appointed to take into consideration the petitions relating to the Duties on Leather, presented to the House during the present session, to examine the matter thereof, and report the same, together with their observations thereupon, to the House," instead thereof.

Mr. *Brougham* rose to state, in a few words, the reasons why he should take the sense of the House upon the original motion. Two committees had been already appointed upon the subject of this tax, and from neither had there been any favourable result. He was convinced that the very same effect would follow from the committee if the amendment of the noble lord were carried. It was curious to observe the system upon which gentlemen on the other side proceeded when there was any matter before the House on which a great difference of opinion existed. If there was no evidence before the House,—if they were quite in the dark upon a subject, and wished to get information by means of a committee,—then ministers said, "no committee, do not inquire;" but when there was evidence before the House—when the information derived from former committees was in black and white upon their journals—then the cry was, "a committee—inquire." He saw no necessity for any inquiry in the present case. The thing was quite clear, and no additional evidence was necessary to have it understood. Upon the general question, he should only repeat what he said about six years ago, when he had the honour of a seat in the House, that it was one which interested not only the manufacturers, but the consumers of the article. It was to them that he principally looked at present, and though he would support the motion of his noble friend, even on the grounds on which he had put it, yet he gave his vote on the present occasion principally with reference to the consumers. This tax was one upon a common necessary of life, and he conceived its imposition highly impolitic. It was one of those arithmetical blunders in which the appearance of immediate increase was adopted, though it led to a certain ultimate loss to the revenue. The effects of this tax were severely felt by all persons who were great employers; but as government was the greatest employer, so it fell with particular force upon them, and what they imagined they gained in one way, they lost in another. The chancellor of the exchequer had mentioned the decline of the oiled dressed leather, which he seemed to ascribe to want of that great restorative, an additional tax. He hoped, however, that the right hon. gentleman did not intend to apply the refreshing influence of such a tax to this part of the trade, as he thought it would do much better without.

Lord *Compton* said, that this tax was one which affected every class of society. He trusted, therefore, the House would see the necessity of removing the evil which was so generally complained of. The chancellor of the exchequer had said, that the number of bankruptcies in the leather trade was not occasioned by the additional tax; but it was clear that there was a general decline in the trade, and that, from whatever cause it proceeded, was in itself an argument in favour of repeal. The argument urged by the right hon. gentleman with respect to the use of machinery, was rather against than for the tax; for if with the increase of machinery, which was generally a proof of the increase of trade, it appeared that the trade still declined, it was clear that there should be something done to relieve it. As to the decline in the oil dressed leather, it arose from a quite different cause. The oil dressed leather was principally consumed by the government, and the demand for it was necessarily diminished since the war. The observation of the right hon. gentleman with respect to the property tax should not alter the vote which he intended to give; for though his opinion of that tax was unchanged, yet he would rather see some direct tax than that species of tax which was so injurious to a very large portion of the people.

Colonel *Wood* said, that he had presented some petitions on the subject before the House from some of his constituents, and though he conceived that all such petitions were entitled to great respect, yet he did not think the House ought from that respect to hurry into any measure without the most mature consideration. It was said, that there had been a great decline in the leather trade of late. That might be true; but he conceived it arose from other causes than those which were stated. It should be recollected, that the sale of the vast quantities of government stores, which were lately disposed of so much under the cost price, contributed materially to this decline. Within a short time several hundred thousand pairs of shoes, which were bought up at 6*s.* 6*d.* the pair, had been sold at 2*s.* the pair. That, perhaps, would account, in some measure, for the decline of the trade, which had been so much complained of. As to the property tax, it had no horrors for him; and if the repeal of the tax upon leather were to be followed by the introduction of that tax, he should most decidedly vote for it. He was decidedly of opinion, that in abolishing that tax, the House begun at the wrong end. They had removed that which pressed only upon the rich, and continued that which fell principally upon the poorer classes. The poor and working classes who had been induced to sign the petitions for the abolition of the property tax were most egregiously mistaken in what was best calculated to afford them relief. They would have been much more relieved if the tax upon leather and that upon salt had been repealed at the time instead of the income tax. But he thought the tax upon salt was one which ought to be repealed in preference to that upon leather. The salt tax pressed upon the poor classes in particular, as it was mixed up with almost every article of their consumption. He therefore thought it ought to be repealed in preference to any other.

General *Gascoyne* observed, that in the former committees, there was such a division and jarring of interests on the subject of the leather trade, that no efficient result had been come to, and he was certain it would be the same, if a committee were now agreed to. From the opinions of all the petitioners it was clear, that the tax, as it now stood, was a great grievance: for it would be idle for any man to pretend to know, whether a tax pressed heavily or not, better than the individual who felt such pressure. He thought, therefore, it ought to be repealed, and he was certain, that the ingenuity of the chancellor of the exchequer could easily furnish him with another tax as a substitute.

Mr. *C. Calvert* entered into a comparison of the returns of the produce of the tax for the last five years, in order to show that it had considerably fallen off. He supported the motion for the repeal, on the ground that it pressed heavily on the poorer classes, and was not calculated to increase the revenue to the amount stated.

Mr. *Marryat* said, that in Sandwich, the borough which he represented, the distress occasioned by the increased duty on leather was most severely felt. In two parishes, which were only separated by a running stream, the difference of the poor-rates was remarkable. In the one, where several persons engaged in the leather trade resided, the poor-rates amounted to 20*s.* in the pound, in consequence of the number of persons who had been thrown out of employment by the operation of the tax; and, in the other parish it was only 12*s.* Both were no doubt very high, but the difference was remarkable, as it concerned the present question. From the pressure of this tax, not only on the manufacturers, but on the community at large, he wished that some substitute should be proposed for it. He thought that one might be easily found.

Mr. *Lushington* admitted, that some distress did exist in the trade, but he thought it arose from other causes than those which had been stated. The conclusion of the war had caused a stagnation in the trade, but that was now nearly at an end, and though the number of persons engaged in the trade was not as great as before, yet that was not a proof that the business had declined; for notwithstanding the decrease of the numbers, the revenue had increased in a considerable degree. The leather trade was not unanimous in desiring the repeal. He had himself received a deputation from two branches of it, who had stated, that the drawback of twopence upon leather exported more than counterbalanced the additional duty of three halfpence. As the drawback would fall along with the additional duty, the export trade would suffer, and the effect would be, to put money in the pockets of the tanners. In the present state of the revenue, should one tax be repealed, another must be imposed. It appeared to him, that every consideration urged in the course of the debate showed the propriety of going into the committee.

The gallery was then cleared for a division. Whilst strangers were excluded,

Sir *T. Acland* declared, he had come down to the House with the intention of supporting the motion, but that what he had heard determined him to vote for referring the petitions to a committee.

The question being put, "That the words proposed to be left out stand part of the question," the House divided: Ayes, 94; Noes, 84. Lord Althorp's motion for leave to bring in a bill for the repeal of the additional tax upon leather was consequently agreed to, and lord Althorp and Mr. Brougham were ordered to bring in the same.

POOR LAWS AMENDMENT BILL—AND PARISH VESTRIES BILL.] Mr. *Sturges Bourne* rose to make his promised motion for leave to bring in two bills, one for the Regulation of Parish Vestries, and the other for the Amendment of the Laws for the Relief of the Poor. He observed, that the Committee on the Poor Laws having already presented their report, in which they had gone very fully into the consideration of the evils of the present system, and having pointed out the most likely means of redressing them, it would not be necessary for him to detain the House at any length. The object of his first bill, among minor regulations, would be to give additional influence to persons in parish vestries in proportion to their contribution to the poor-rates. This proposition was not new to the House, and he was not aware that any objection had been made to it; and as far as he could learn from communications with all parts of the country it was a provision that would be very generally acceptable. The first object of his second bill would be a provision to enable parishes of considerable extent to appoint select vestries for the management of their concerns; the orders of which should not be over-ruled by any single magistrate, but only by two or more. The next object would be a provision qualifying persons having considerable property in the parish, though resident at a short distance out of it, to become overseers. Another object would be to enable parishes to appoint an assistant overseer, with a salary. The next provision was one of considerable importance, although only in furtherance of the existing law; it was to make provision for carrying into better effect the statute of Elizabeth, as far as regarded setting to work the children of parents who were unable to maintain them. This was, at the present moment, a matter of the utmost consequence; for a practice most injurious had become prevalent to a very great extent, both in manufacturing and in agricultural districts, which ought by all means to be counteracted—that of lowering the wages of labour, and making good the deficiency out of the poor-rates. He could not refrain from naming one parish in particular, in which this practice had been carried farther than in any other that he had heard of. He had received information that in the parish of Botesdale, in Suffolk, the price of labour had been reduced to 6*d.* a day. So that to a labourer, the expense of maintaining whose family was 20 or 30 shillings a week, the person who had his labour paid three shillings, and the parish made good the remainder out of the poor-rates! This was a great evil, which had existed for some time, but was now increasing beyond all bounds. It was productive of the worst consequences. It was oppressive to the poor, and unjust to several other classes of society. The honest and industrious labourer was driven by it into a state of degradation, and the shopkeepers and others, who did not employ the labourer, were nevertheless made to contribute to his wages. It was most desirable to correct so destructive and abominable a practice. The next provision of his proposed bill would tend again to further the execution of the existing law, by giving employment to those out of work; it would be to enable parishes to let small portions of land to industrious individuals; and, if adopted, would, he was persuaded, exhibit very beneficial results. Another object of the bill would be a provision to enable parish-officers to recover possession of tenements in which they had placed paupers, and of land which, in conformity to the last provision, they had let to them, without being reduced to the tedious and expensive process of ejectment. The next provision would be one of considerable importance, but not of novelty, as it had been suggested last session, since which, he had received numerous applications earnestly pressing its adoption. It would be in the case of towns, to enable parishes to rate the owners of houses, instead of the occupiers. In towns, by various means, a large proportion of the occupiers of houses escaped being rated, the consequence of which was a larger rent paid to the owners; and an immense burthen was thus thrown on the remainder. After several minor regulations, there would be a provision to authorize parishes to discriminate in the relief they afforded, and to regulate its amount and nature by the character and habits of those to whom it was granted; so that overseers should advance money to those who had squandered previous means, only by way of loan, to be repaid by instalments. It was at present a serious evil, that many of those who received pensions for their services in the army or navy, receiving those pensions at quarterly periods, dissipated them in two or three days, and then resorted to the parish for assistance. It was just that the parishes should apply to be allowed to pay those pensions: and there would be a provision in the bill to enable such persons as he had alluded to, to save themselves from the temptation of squandering their allowances by permitting them to receive their pensions by the week from their parishes. A great burthen was at present thrown on parishes in the persons of those who had no settlement at all in this country, natives of Ireland, Scotland, &c. At present these persons were committed as vagrants. It would be a provision in his bill that the magistrates should have power to pass them to the sea-port nearest their home, without committing them. Such was a slight sketch of the objects which the professed measures had in view; and the House would observe, that they tended rather to amend the administration of the laws than to alter the system itself. His intention was, if the House gave him leave, to bring in the bills as soon as possible, to fill up the blanks, and to have them printed, and circulated throughout the country, for the consideration of those who were most conversant with the subject, and most interested in it. The right hon. gentleman concluded with moving, "That leave be given to bring in a Bill for the Regulation of Parish Vestries."

General *Hope* rose, to ask a question respecting the clause which regulated the payment of pensions, when

Lord *Castlereagh* said, that the most satisfactory way would be to have the bill printed. Till that was done, the subject could not be discussed with any advantage.

Mr. *Calcraft* agreed with the suggestion of the noble lord. He was glad to find that the fruits of the committee were coming forth; and from what he had heard of the intended bills, he had great hopes that some very beneficial change would be effected in the present system.

Leave was given to bring in a bill. Mr. S. Bourne also obtained leave to bring in a bill "for the Amendment of the Laws for the Relief of the Poor."

INDEMNITY BILL.] The Attorney-General having moved the order of the day for going into a committee on this bill,

Sir *W. Burroughs* gave notice, that he should move an amendment on bringing up the report, for the purpose of preventing Indemnity being extended to magistrates or others who may have seized the papers of persons whose only offence was being present at tumultuous assemblies.

Lord *Castlereagh* said, that it might be proper to intimate to the hon. and learned gentleman, that if he declined moving his amendments in the committee, they could not be received on the bringing up the report.

Sir *W. Burroughs* said, he was not aware of that, but he should hope that, as the night was so far advanced, the noble lord would not press going into a committee, particularly as he had communicated with several gentlemen who had now left the House, and had told them that an amendment would be moved on bringing up the report.

The *Speaker* said, that the proceeding which the hon. and learned baronet mentioned would be very inconsistent with the uniform practice of the House. If the House went into a committee on a bill, and no amendment was made, the chairman communicated that fact to the Speaker, when he resumed the chair, and it was then moved that the bill should be read a third time, and the time for the third reading was named. It was obvious, then, that if no amendment should be made in the bill now before them, there could be no report.

Sir *W. Burroughs* said, he was given to understand that the law-officers of the Crown were willing to accede to the amendments he had in view. His principal object was, to provide, that no indemnity should be given by the present bill, in the case of a person who had seized on papers belonging to an individual found in a tumultuous assembly. If so, and he understood the solicitor-general, a mere verbal amendment would be all that was necessary.

The *Solicitor General* said, if he understood the argument of an hon. and learned gentleman last night, it went to establish the fact, that an act of parliament was already in existence, which authorized the seizure of papers by the magistrates in cases similar to the present. Now on the contrary, he himself then contended, and was still prepared to contend, that the act referred to covered no such case.

Sir *W. Burroughs* felt much obliged for the explanation just afforded by the hon. and learned gentleman, since he at last understood more distinctly the objects of the present bill. Indemnity was to be extended, for the first time, to such magistrates as had thought proper most illegally to seize upon the papers of individuals who happened to have assembled in a manner which was deemed to be unauthorized. If such were the purview of the bill, then certainly his motion was more necessary than ever.

Lord *Castlereagh* still hoped that the House would not be induced to depart from its course, but appoint the third reading for to-morrow. The hon. and learned gentleman would then have full opportunity of moving his amendments.

The House then went into a committee, when

Sir *J. Newport* thought it proper to apprise the committee of two amendments which he intended to move on the third reading. The first went to exclude from indemnity any person who, under the Suspension act, or during the time to which the indemnity extended, had committed any act of undue rigour, or malignant harshness. It was said that the bill did not contemplate the protection of persons who exercised their powers with excessive cruelty, but it was worded so as to cover them. The amendment which he proposed, therefore, went to correct its language, to render its provisions more definite, and to prevent it from being held up as a shield to individuals who, from their conduct, were not entitled to its protection. He had given notice of his intended amendment, that no gentleman might be taken by surprise. The other amendment which he meant to propose would consist in a clause to be added to the preamble. After the following part of the preamble, "And whereas, to ensure the internal peace and tranquillity of the country, it has been deemed necessary, from the 26th of January, 1817, to apprehend, commit, imprison, and detain in custody, divers persons suspected of high treason, or treasonable practices, and to seize the papers of such persons, &c.; and whereas, some of the said acts done, may not have been strictly conformable to law, but being done for the preservation of the state, and constitution and law, ought to be indemnified," he proposed to add, "by having the damages awarded against them paid out of the public purse." He made this proposition on the ground that the public should pay for the benefit they had enjoyed by the preservation of the peace, and that the persons who had suffered by unjust suspicions should not be prevented from obtaining that redress to which they were entitled.

The House then resumed; the bill was reported without amendments, and ordered to be read a third time to-morrow.

HOUSE OF LORDS.

Friday, March 13.

OFFICES IN REVERSION.] Earl *Grosvenor* referred to the subject of places in reversion, to which he had called their lordships' attention on a former occasion. An order had been made some time ago, for a return of the offices of this nature held under the Crown, but that order had never been completely complied with. It was his wish that all places held in reversion, whether directly under the Crown or not, should be abolished; but as there was some difference of opinion respecting the latter description, he should not at present propose any thing respecting them. If he did not learn from the noble earl that effectual measures were to be taken for the abolition of the offices still held in reversion, he should propose a bill embracing that object, but which would not affect any interests the judges might have in offices connected with the courts. It would, however, be satisfactory to him to be informed that any proceedings on his part would be unnecessary.

The Earl of *Liverpool* wished, in the first place, to remind the noble earl, that, in fact, all offices held in reversion under the Crown were already either entirely abolished, or so regulated as to remove the objections to which they were formerly liable. This was the case with respect to the offices of auditors and tellers of the exchequer, clerk of the pells, &c. The only exception which he was aware of was the office of clerk of their lordships' house; and with regard to that office, he had already stated his opinion, that it ought to be subject to prospective regulation. He did not, therefore, comprehend to what offices the noble earl could allude. There was, indeed, one office which had been granted in reversion, but he did not suppose that the noble earl referred to it, namely, the rangership of Bagshot-park, which was held by the duke of Gloucester, and the reversion of which had been granted to the duchess. Such a grant as this could not be liable to the objections which had generally been urged against reversions. It was one of those arrangements by which the conveniency and dignity of the royal family were consulted. There were still another kind of reversions, but he could as little suppose that the noble earl objected to them. These were the small pensions which were given to the widows and daughters of officers. In some instances, such pensions were granted with reversion to the survivor. It surely could not be the noble earl's intention to propose any alteration in the mode of granting these pensions; for it was evident that very great inconvenience would arise from any regulation which might oblige the Crown to forego a practice which was, in fact, the mere exercise of charity towards a class of persons who had just claims on the gratitude of the country.

Earl *Grosvenor* admitted that the noble earl's explanation was in a great measure satisfactory. He did not mean to interfere with the reversions to which the noble earl had, in the last instance, referred. What he wished to prevent was, the giving in reversion offices which became mere sinecures. If the noble earl meant to say that no offices of that kind were to be given in reversion, he would agree to refrain from making any proposition on the subject.

The Marquis of *Lansdowne* asked, whether any measures had been taken for carrying into effect the act by which certain offices had been abolished? There were also in the reports which had been made to parliament several offices pointed out as proper objects of abolition or regulation, particularly in Ireland. It was proposed that arrangements should be made for regulating all these offices, and for giving remuneration to those who actually performed the duties of these offices, and he wished to know what measures had been adopted by his majesty's ministers in this respect.

The Earl of *Liverpool* said, that all the offices in England had been already regulated. With respect to Ireland, he could not at that moment precisely say to what extent the regulations had been carried.

Motion for the Reduction of the Army.] On the order of the day for the third reading of the Mutiny Bill,

Earl *Grosvenor* rose, in pursuance of the notice he had given, to move for an alteration in the preamble of the bill. After what had passed on a former evening on the subject of the army, their lordships would not be surprised that he should enter his solemn protest against the maintaining such a force as it was proposed to keep up in a time of general peace, and at a period when the finances of the country were in a most deranged state. A large standing army ought never to be maintained in this country, unless its liberties were threatened from abroad, and its existence at stake. Unless the outposts were actually forced, and the country, exposed to danger from an invading enemy, there could be no excuse for retaining a great body of troops in pay. Their lordships were well aware of the objections which had been entertained by their ancestors to a standing army, who had always considered the maintaining of a military force, under the control of the Crown, as the measure, of all others, most dangerous to the liberties of the country. This was a principle which they not only maintained by argument, but in support of which they had shed their blood. Did the noble lords opposite pretend that they were either wiser, or understood the constitution better, than those great men by whom it was founded? The noble lord opposite had promised, when the question respecting the army came fairly before the House, to prove that the force at present maintained was not larger than the service of the country required; but he could not conceive by what chain of reasoning their lordships could be induced conscientiously to adopt such an opinion. It was true that the proposition for this force had been carried in another place, but there lordships were also aware, that on a motion for reducing the army, only a few more than sixty persons could be found in an assembly consisting of 658 members to agree in opinion that so large a force ought to be maintained. He should not take up much of their lordships' time by entering into details. In the view he took of the reductions which might be made, he would pass over the army in India, and also the army in France. With regard to Ireland, however, the force for which was 20,000, he thought a very great deduction might be made. Their lordships were aware of the assurances which persons well acquainted with that part of the empire had given of the loyal disposition of the people. When it was considered that Europe was completely at peace, and that there were no less than 40,000 yeomanry cavalry in Ireland, it was impossible to conceive any reason for maintaining a standing army of 20,000 men in that country. In the colonies, the extent of the force proposed to be maintained was equally objectionable. The establishment of the year 1786 appeared a proper period for making a comparison with the present, in estimating the force which ought to be maintained. That year was, like the present, the third after the conclusion of a general peace. It was impossible, therefore, to find a more suitable point of comparison, though the result was very unfavourable to the views of ministers. In 1786, not one half of the force was allotted for the colonies which it was now proposed to maintain in them. It had been said, that a greater force was necessary for the security of Canada; but he could not see any force in that argument. We were at peace with the United States; there was no apprehension of an attack on our colonies from any quarter; and he could not therefore understand the necessity of keeping up a large force for their defence. Why should more troops be now maintained in Canada, than when it was surrounded with hostile Indians, and war was apprehended? Making every allowance for the increase of the colonies, which had been much dwelt on, there could certainly be no good reason for appropriating to that service double the number of troops employed on it in 1786. It ought to be recollected, too, that at that period our debt was not equal to one-fourth of its present amount. At present, such was the weight of the public debt, that it was no longer possible to impose a tax on any article. The revenue could not be augmented, and there was no resource to which their lordships could resort to rescue the country from its present embarrassments, but economy in the expenditure. This was a consideration which ought to weigh with their lordships, and it was one which almost precluded the possibility of any comparison being made between the force maintained in 1786, and that which ought to be maintained now. Last year, when there was an alarm, though an alarm created by ministers themselves, there was some pretext for maintaining a considerable force in this country. The noble lords opposite had then something in the shape of argument on their side. That ground was now, however, taken from under them. By their own confession, there was no pretence for any alarm of plots and conspiracies at the present moment. Another reason which had been assigned for maintaining a greater force than in 1786, was the increase in our population. This was a reason, the force of which he could not admit. He thought too well of his countrymen to believe that the increase of their numbers produced disaffection to the institutions of the country. On the contrary, he believed that as they grew in numbers, so also did their attachment to the constitution grow. He certainly did not understand attachment to the constitution and attachment to ministers to be one and the same thing. He could not agree with those who supposed that when the people were disaffected to his majesty's ministers, they must also of necessity be disaffected to the constitution of the country. Besides, if an increase of population required an increase of military force, there was no proportion kept in the present case; for the latter was doubled, while the former was only increased one fourth. But, after all the disaffection which this increase of population was said to have occasioned, their lordships could not but recollect that the whole treason which had created so great an alarm last year, had been put down by a sergeant and his command. He might, therefore, fairly suppose, that a corporal and his file would be sufficient to meet all the mischief which could be expected now.—He came next to notice that part of our force which composed a portion of the 100,000 men maintained on the frontiers of France. He had always disapproved of the employment of our troops in this way. The noble earl opposite had indeed said, that the army in France did not cost this country a shilling.

He believed, however, that notwithstanding what was paid by treaty, there were many incidental expenses, such as the waggon-train, and other things which were borne by this country. That part of the question he, however, did not think it worth while to discuss. If there were even pecuniary advantage in keeping our troops on the French frontiers, he should consider that profit greatly overbalanced by the evil which must arise from placing them in such a situation. Their contact with the troops of despotic powers could not fail to infuse into them ideas to which military bodies were, from their constitution, too prone, but which were hostile to the principles of the British constitution. Great alarm had been expressed on the subject of emigration from this country and some persons had gone so far as to propose an absentee-tax. He, however, regarded this alarm as equally groundless with that which had been made the foundation of the suspension of the Habeas Corpus act. Attachment to British liberty and the constitution, was too strongly implanted even in the most humble of the natives of this country, to suppose that foreign allurements could have any serious effect. Even to the poorest,

"Dear is that shed to which his soul conforms,
"And dear the hill that lifts him to the storms."

Every Englishman might exclaim in the words of the poet:—

"Where'er I roam, whatever realms to see,
"My heart untravelled fondly turns to thee,
"Still to my brother turns, with ceaseless pain,
"And drags at each remove a length'ning chain."

Such, he was sure would be the feeling of every Englishman long absent from that land in which he had been habituated to the best and most noble feelings of humanity. If, however, it was wished to drive people out of the country, no better mode could be adopted than that which ministers had resorted to in the last session of parliament. To accomplish such an object, it would only be necessary to repeat the suspension of the Habeas Corpus act, and to expose them to all the machinations of spies and informers. From the view he had taken of the state of our force, he thought that a deduction of 13,640 might be made. He should therefore move, that, instead of the words, "113,640 men," in the bill, "100,000 men," be substituted.

Earl *Bathurst* observed, that notwithstanding all that the noble earl had said of the force in Ireland, he had not heard any thing from him that tended to prove the number of troops proposed to be kept up in that country unnecesssry. With regard to the foreign possessions, the noble earl had preferred to make a comparison with the year 1786 rather than the year 1792. On the contrary, the latter was the fitter period; for the establishment of 1792 was adopted after great deliberation by Mr. Pitt, at a time when that minister did not calculate on an interruption of the peace which the country then enjoyed. So much for the judgment by which the noble earl had been guided in his choice of a period of comparison. In alluding to the force requisite for our foreign establishments, he had taken no notice of the colonial acquisitions which had since been made. If the increase in the establishments to be defended, both in the West and East Indies, were fairly considered it would be found that the increase of force was far from being in due proportion. But the noble earl had spoken of the home force of this country, as if it were maintained for no other purpose except that of enslaving the people. He had said, too, that when a motion for reducing the army was made in another House, the members of which amount to about 660, there was only found 60 of that number to oppose the proposition. Let the noble lord, however, view the other side of the case he alluded to, and he would find that in that assembly there were only forty who would support the proposition for reducing the force of the country. This way of putting the argument was at least as fair as that of which the noble earl had chosen to avail himself. However, with regard to the enslaving of the people, of which the noble earl seemed so much afraid, he should say a few words. The whole number of troops allotted for North Britain was 2,500. Did the noble earl think the Scotch so destitute of spirit and courage, that this force was sufficient to impose chains upon them. This number was to be deducted from the troops for home service in Great Britain. If their lordships also deducted the number of troops necessary for protecting the dock-yards, and guarding the coast, a very small proportion would remain available for other purposes. It was necessary to guard the coast to the land's-end, to check a sort of free trade which found many supporters in the country; and, in fact, when those troops, and those employed in the dock-yards, were deducted, there remained not quite 4,000 men applicable to the enslaving of the population of the metropolis, and twenty-five miles round it. He had only one more observation to make, which he believed would prove convincing to the noble lord himself. The number of men employed should be compared with the duty they had to perform. In all former peace-establishments it had been thought necessary that the number of men should be sufficient to allow them to be three nights in bed and one on duty. Such, however, was the present state of the home-service, compared with the number of the troops, that it admitted of their being two nights in bed and one on duty. He could therefore, by no means accede to the propriety of the noble earl's motion.

Earl *Grosvenor*, in reply, said, that all he had heard only the more confirmed his opinion, that despotism was the ultimate end of the system for some time past pursued by his majesty's ministers. All our ideas of government seemed to be completely reversed, and we were every day approximating to those continental notions, of which the least that could be said was, that they were abhorrent from the feelings of Englishmen. The noble earl had amused their lordships with a strange statement of the disposable force at our dock-yards, and the intrepidity with which another part of it was employed in preventing the aggression of smugglers. In answer to this part of the noble earl's speech, he might remind their lordships, that the yeomanry and cavalry force of England was nothing less than 20,000 men, well armed and equipped. But if this army was not sufficient for the counteraction of internal aggression, had the noble earl forgot the local militia, or the possibility of calling in the army in Ireland and in France to the assistance of the executive? On the whole, it appeared to him, that, owing to the habits of travelling, to our contact with foreign courts, to an admiration of foreign modes, we were rapidly approximating to those feelings and notions which must prove destructive of our liberties. If during the prevalence of this feeling, their lordships felt disposed to tolerate it, he would allude to a foreign tale, though certainly one of past times. Bocaccio, though not in general remarkable for the chastity of his tales, and who rarely had ventured on political ground, had, nevertheless, a story not quite unsuited to existing circumstances, and from which a lesson of admonition might, perhaps, be drawn. In the Decamerone, a story was told of a king who had given himself up altogether to the guidance of his ministers, and had never seen or heard of the affairs of his subjects, but as his ministers thought proper to represent them. The ministers betrayed their trust, and, by keeping their sovereign in total ignorance of passing events, were enabled to abuse his power, and at length provoked the people to acts of violence. A revolution was contemplated, from which, however, the monarch was saved by the wisdom of one faithful courtier, who had, by some means, discovered the danger. This courtier procured a considerable number of monkies: one of these he dressed up in royal robes, and taught to personate the king; the others he adorned with the trappings of state, and made them to imitate the council. He also procured a number of inferior animals, such as dogs, cats, and rats, which were to represent the people, and on these he put chains, all directed towards that particular corner of the room where his council were sitting. The courtier having sufficiently prepared his exhibition, induced his sovereign one day to visit it. The monarch was at first surprised, but displeasure soon succeeded, and conceiving that the exhibition was intended to ridicule himself, he was about to plunge a dagger in his courtier's heart. The courtier prayed for mercy, and permission that he might retire to the country for a year, and promised, that if on his return to court, the object of his scheme was not discovered and approved, he would willingly submit his breast to his master's dagger. He obtained his prayer, and on his return found the whole system of government altered, the king emancipated from the chains which the self-interest of ministers had imposed on him, and the country restored to happiness and tranquillity. He should leave it to the House and to his majesty's ministers to apply the fable.

The Amendment was negatived; after which, the bill was read a third time, and passed.

HOUSE OF COMMONS.

Friday, March 13.

PETITION OF ROBERT SWINDELLS'

COMPLAINING OF THE OPERATION OF THE HABEAS CORPUS SUSPENSION ACT.] Sir *S. Romilly* rose to present a Petition from Robert Swindells, of Macclesfield, in the county of Chester, whose case he had adverted to in the course of his observations on the Indemnity bill.* The petition did, he perceived, differ in some respects from the statement which appeared in the Chester newspaper. but that statement substantially concurred with the petitioner in all material points. This petition was forwarded to an hon. friend of his, in order to be presented, before he alluded to the case in that House; but his hon. friend (Mr. Bennet) being prevented from attending the House, had sent it to him to have it presented. He now proposed to have the petition brought up, in order to have it laid on the table. What might become of this petition hereafter he could not pretend to say. He did not know that the sufferings of the poor petitioner, with the loss of his wife and child, might not be made a topic of merriment to enliven some future debate. Be that as it might, he would do his duty in presenting it.

The Petition was then read; setting forth,

"That on the 10th of March, 1817, at twelve o'clock at night, when himself, his wife, and small child had retired to rest, a number of people came, with threats, knocking with great violence at his door, demanding entrance; the petitioner got up, and opened the window, requesting to know who was there; the reply was, "constables;" he told them to go away, that they had no right to disturb him in that manner; they threatened him with many threats and curses, and exclaimed, "If you don't open the door we will break it open, we will break it in pieces if you don't open the door and get us a light;" the petitioner's wife, being very much alarmed, and far advanced in pregnancy, did intreat him to open the door, which he did as soon as he got a light, and in rushed a number of men, viz. Mr. Samuel Wood, alderman, Mr. Joseph Tunnacliff, silk manufacturer, James Powell, banker's clerk, and several others, acting, as the petitioner supposed, under the authority of the magistrates, with staves lifted as if they meant to fell him to the ground instantly; the petitioner asked them for their authority for coming to his house in that manner; with their staves lifted over his head, they exclaimed, "This is our authority, and where are those men you have in your house?" the petitioner said, "What men?" they answered, "Why those men you have in your house?" the petitioner told them he had got no men in his house, that there was no person in his house except himself, his wife, and child; Mr. S. Wood and others took the light, and searched the house, but found no men there; Mr. S. Wood said, "There have some men slept in your house;" the petitioner told him that no man did ever sleep in his house but himself; they began to rummage his house and destroy his property; they demanded the keys of his chest and boxes; the petitioner said he did not know where they were; they threatened him, with their staves brandished over his head, that they would break the chest in splinters if he did not get them the keys; the petitioner's wife and child being down stairs, as they got out of bed, and she fearing the consequence of their threats, told them where the keys were; they got them, and opened the chest and box, one of them having the box under his arm, and said they would take it along with them; but as the keys were found, and the contents rummaged, it was left; all this was done to the great damage of the clothes and other contents, every thing being unfolded, broke open, and thrown about the house, every bonnet and hat being broke flat together; they demanded another candle, but the petitioner did not offer to comply, and they threatened him with staves as before, so that he got them one; that being lighted, a party went up stairs, pulled the bed-clothes off the bed to the floor, turned the bed up of a heap, went to the beaufet, pulled out most of the contents, and broke and threw them about the floor; they also opened his wife's work-bags, her sewing which she had been preparing for the child she then carried was also thrown about the floor; when they had plundered his house in every direction, they took with them a bundle of printed papers and pamphlets, and went off saying it would not be long before they would visit him again, which they never have; neither have they returned his property which they took away with them; but the scene did not stop here, for on the next day, on the 11th of March, his wife declared to him and many others that the fright and starvation with cold had killed her, which she continued to express till the day of her death, for pains, coughing, and spitting ensued which rendered her for several weeks unable to lay down in bed till the 26th of April, when she was delivered without pains; being unable to rest, she expired on the 28th, the day but one afterwards, though all the assistance was got that lay in his power, leaving the petitioner, the child she was delivered of, and another one year and eight months old, to bewail her loss; the petitioner called on Mr. S. Wood, at his house, to know the reason of his being treated in such a manner, but got no satisfactory answer from him; the petitioner's troubles did not end here, for on the 17th of May he was served with a process of law from the court of King's-bench, under a penalty of 100*l.*, for his appearance to answer such charges that should then and there be exhibited against him; on the 31st of May another process of law was served upon him, to the same effect as the former; at this time his little infant died, for the want of its mother; on the petitioner's being served by the attorney's clerk, he informed him he was not furnished with means sufficient to supply himself for such a journey; the petitioner said he was willing to go if means could be procured for the journey; the clerk told him he must try his friends; and he did so, but was not able to succeed; the petitioner went to the mayor to solicit his advice; the mayor said he knew nothing of the affair, and could give him no advice; the petitioner said to him, if he had been guilty of any misdemeanors, he should deliver himself into his charge; the mayor said, I know nothing of you, I know nothing at all about you; on Sunday June the 22d, about seven o'clock in the evening, Mr. Frost, constable, came to the petitioner, and said he had a warrant against him, and he took him to his lock-up room, and kept him till the 27th; during this confinement the petitioner was allowed no subsistence; from there he was conveyed to Chester castle, to subsist on bread and water, having no means left to get any thing else, such is the change of his condition in the course of a few weeks; a wife whose endearing disposition lost her life by cowards, his child lost for the want of its mother, his other left to the mercy of a parish officer, and himself confined in a prison in the castle of Chester upwards of five weeks; he was then liberated without trial, on giving his future residence, without any thing to support him for a journey of forty miles home; but happening to meet in Chester with the coachman that brought him, the petitioner told him he was liberated, and had not the means to carry him home; he said he did not care, he brought him there, and he would take him back money or no money, but he has paid him since his return; the petitioner states these facts, which he is willing to prove if called upon; he appeals to the House if this is the reward he has merited, after having been upwards of eleven years in his majesty's service, out of which he was upwards of three years on board his majesty's ship Ville de Paris, off Brest, upwards of three years in his majesty's gun vessel Insolent, upwards of four years and six months on board his majesty's ship Hussar, and returned from the East Indies with the earl of Minto, after being debilitated through the fatigues of war and severity of the country; and the petitioner calls upon the House to grant him, or cause to be granted, such redress as in their wisdom shall seem just."

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* See p. 973.

The Petition was ordered to lie on the table, and to be printed.

PETITION AGAINST THE MONOPOLY OF BEER—ADJOURNED DEBATE.] The Adjourned Debate on the motion "That the Petition against the Monopoly of Beer," presented on the 10th instant [see p. 933] do lie on the table, being resumed,

Mr. *C. Calvert* rose. He said that he was prepared to enter into the petition the day on which it was presented, and to refute every charge which had been brought forward against the brewers. He came down to the House on the succeeding evening, when the hon. gentleman who presented the petition did not arrive in his place till other public business had prevented the discussion. He had no intention to go into the subject at any length, provided any gentleman felt inclined to move the appointment of a committee, to which the petition should be referred. The petition contained some very grave charges, which were well worthy the attention of the House, and more particularly the charge of the brewers being in the systematic habit of putting poisonous ingredients into the beverage which they caused to be retailed to the public. Such a charge was not a light one; but it was one which could be confuted with very little trouble.

He had no intention himself to move the appointment of a committee, but, in the hope that some other gentleman would do so, he should sit down: but he trusted he should be allowed to go into the question provided it was not done.

Mr. *Lockhart* said, he had no intention to move for a committee. He had only performed his duty in presenting the petition. He had, however, no objection to a committee, if the hon. gentleman who had mentioned it on a former evening, should move it.

Mr. *W. Smith* said, he had examined the subject of the petition clause by clause, and had likewise closely observed the evidence upon the subject as detailed in the voluminous reports of the police committee. His advice to his hon. friends upon the subject was, that if the hon. gentleman who presented the petition should move for a committee, it would not become them to refuse it; but he thought that on their part, such a proceeding was wholly unnecessary. Any gentleman in the House might put together the different parts of the evidence before the House, and then see in what manner they contradicted or supported each other. It appeared that the petition complained of three things; namely, the price, the monopoly, and the adulteration of one of the first necessaries of life. In the question of monopoly the petitioners themselves furnished the best answer, for they did not make any charge of agreement among the brewers as to price. Now, there could be no monopoly unless both price and quality were taken together. There was no sort of agreement as to the quality of the beer sold at a certain price, for every one of the eleven brewers charged with the monopoly, might make their beer of any quality they pleased; consequently, there was no monopoly. Now, with respect to the great article of adulteration, it would be absurd to imagine for a single moment, that such could be the case, for every one knew, that the laws against adulteration were severe in the highest degree. It could never be worth the while of any brewers to run the risk of adulteration when the penalties were considered, to which they would necessarily be subject. In the next place, as to the use of deleterious ingredients, it would not bear a question to be raised; for in the large breweries it would absolutely require such publicity as not only to be open to the servants engaged in the establishment, but to the whole of the neighbourhood. When it was considered that his hon. friend (Mr. C. Barclay) was engaged in a concern which brewed upwards of 300,000 barrels in a year, and that all the other houses charged with this monopoly were engaged in concerns, all of them upon a very large scale, although not so large as that of his hon. friend, how could the materials be carried in which could produce the slightest effect on so immense a quantity, without the fact being known to the whole neighbourhood, besides the persons connected with their concerns? Really this was too ridiculous to be listened to for one single moment. For, abstracted from the positive denial which had been given, it was impossible that the parties should so risk their character and fortune. Such a supposition appeared to him to be too absurd. For these reasons, although he should not be one to urge the House to enter into a committee, yet, if the petitioners thought proper to press it, it was not the part of his hon. friends to refuse it. If the motion was made he should certainly assent to it.

Mr. *Peter Moore* said, he understood, when the hon. and learned gentleman presented the petition, that he had no ulterior object in view—that he did not mean to call for inquiry. But, be that as it might, there was one point they ought to look to before they received such a petition. They ought to consider in what situation the framer of these charges would stand, if he did not prove his allegations, and they ought to have something like security, that he should prove them. If he had gone privately to work, instead of proceeding by public petition, he would have stood a chance of being placed in the pillory, for some of the allegations he had been pleased to make; and which, Mr. Moore said, he believed, were utterly unfounded; for he had himself, some years ago, a good deal of practical experience on the subject. He did not conceive that any case had been made out for going into the committee, but if the House did go into one, he hoped it would be the means of exposing the malicious views of the person who had first agitated the question, and of showing the purpose it was intended to answer. He was not swayed by the number of signatures, because he knew how they had been obtained. Application had been made to himself, and he was begged to put his signature. He then said that he believed the whole statement to be utterly false. The House should look with great jealousy and suspicion at a matter which produced a great revenue, of which no one would dispute that the government stood in great need.

Mr. *Calvert* said, that it was with regret that he trespassed upon the time of the House, but he felt it necessary for the purpose of proving to the conviction of the House, that the petition of Mr. Barber Beaumont was a most scandalous petition. The attempt to procure signatures was not confined to one place, but every part of the town was resorted to. He had passed by one of the stations, and he had there seen boys and persons of all descriptions setting down their names. He hoped that the few words which he should have to submit to the House would carry weight with them. Certain charges had been made against the brewers, and among them that of having created a monopoly of an essential article, of mixing deleterious ingredients with it, and of advancing the price at their caprice, and without any justifiable grounds. With regard to the monopoly, which was stated to be confined to 11 houses, although the porter-brewers in London were considerably more numerous, it was only necessary to look to the evidence given before the police committee. Three gentlemen were there examined, one of them was the owner of only one-eighth of the public-houses which he served, and another of one-seventh. That surely would not be a monopoly; for looking to the total number, it was a most ridiculous and absurd charge, and he should say no more upon it. He should have a word or two to offer, however, respecting the capricious wantonness of advancing the price, and he should produce the statement of the person he had alluded to, Mr. Barber Beaumont. The first charge was, that in the year 1802, the price was advanced without any reason whatever. He rather thought, that for that rise, there existed good grounds at the time. These were, that the right hon. the chancellor of the exchequer summoned the brewers, and told them, that he should increase the several duties 3*s.* 4*d.* a barrel on the beer, 8*s.* a quarter upon the malt, and 1¼*d.* and eight-twentieths of a pound on hops. That was a full justification for the advance in price. It was the same in the succeeding year, for then the war malt duty of 16*s.* per quarter was laid on, and the price advanced 5*s.* The advance then was after the rate of 17*s.* 6*d.* per quarter on the malt, leaving the brewer a profit of 1*s.* 6*d.* That was also a full justification. The petition stated, that at another period, namely, in the year 1816, it was equally a matter of surprise, that the brewers had lowered the price of beer, but that the public were very much obliged. But what was the reason of this reduction, but because the war malt duty had ceased, and the 16*s.* per quarter taken off? What would have been said, if when the war duty was taken off, the brewers had not done so? It would be too tedious to go through all the different times that alterations had been made; he would, therefore, only say, that the price was fixed, in 1762, at 3½*d.* a pot, when the price of malt was 19*s.* 6*d.* a quarter, and hops 50*s.* a hundred weight. It continued at 3½*d.* until malt was at 61*s.* 4*d.*, and hops 14 guineas. The brewers were subject to a loss for a great number of years, and he must here allude to an expression of Mr. Barber Beaumont, that when they once fixed the price, they would not fix a losing one. That was not the fact. After the advance in 1799, they made some little profit, but they had previously lost half their capitals. The next advance was in 1801, when malt rose from 61*s.* to 84*s.* per quarter. In every instance had the brewers been fully justified. With regard to the beer being rendered injurious to the stomach from the use of deleterious articles, he hoped he should have no occasion to tell the House, that the brewers of London were incapable of introducing poisonous articles into the common beverage of the town, day by day, week by week, and year by year. Of this his hon. friend (Mr. Barclay) had the other night given a convincing proof, when he said, that they must be brought in by cart loads, which could not be done secretly. What, then, could possibly be the consequence but loss of property and loss of capital? That was alone sufficient to convince the House, that no deleterious ingredient could possibly be resorted to. It was practically impossible that any thing could be used besides malt and hops. Legal proceedings had, a few years ago, been taken against the proprietor of a Sunday newspaper, for the publication of a gross libel, charging the brewers with the use of the deadly night shade, the coculus indicus, the nux vomica, and tobacco. The affidavit on which the prosecution was founded, a copy of which he held in his hand, declared that none of the articles charged were used in the brewing of beer, and concluded by saying, that it was composed and made of malt and hops only. But the affidavit was held by the court to be insufficient, because it did not state, that during any specified time they had never used any of the articles alluded to, or that they had always made their beer of malt and hops only. By the advice of the counsel and solicitor, the deponents only negatived the use of the articles stated in the paragraph, but without saying of what the beer was actually compounded, and the next day made a fresh affidavit. They said that not only the articles named were not made use of, but no noxious ingredient whatever was then made use of in the manufacturing, nor while the brewery remained and existed under their control and power at any other time whatever. This was thought sufficient to satisfy the most scrupulous judge in the world. But no! the court held that the last affidavit did not go the length of the former one, for it did not state of what the beer was really composed. The rule was not granted, but the parties were allowed to go on the next term. The offender, however, thought proper, in the mean time, to write him a most penitent letter, assuring him that he was not the author, but had only copied the paragraph from another paper; and that if the prosecution was dropped, his paper should be devoted to the brewers in general, and to himself in particular. He had refused any interference upon the occasion; but the prayer of the letter was ultimately complied with, and probably from the reason that the counsel were unable to frame an affidavit that should be satisfactory to the Court. So much for the legal proceedings to justify the brewers for the charge of using deleterious materials.—And now to the petition which resulted from the meeting of a few persons on the 26th of January. It was hawked about in every direction. He had seen persons walking in Covent-garden, who assured the people, that by signing the petition, they would reduce the price of beer, and do away monopoly. In short, nothing was done upon it that was not worthy of the dirty place where one set of signatures were taken — the blacking shop in the Strand. By such means signatures were obtained from ignorant people, who really knew nothing of the nature of the petition; but they were imposed upon by the assurance, that its effect would be to reduce the price of porter in spite of the brewers, who were described to be a pack of extortioners. Such was the course pursued under the auspices of Mr. Barber Beaumont. He was aware that improper practices had prevailed in some districts in the licensing of public-houses; he had always reprobated such conduct on the part of the magistrates, who certainly carried the system of favouritism to too great a length. For his own part, he never took advantage of any thing of the kind, and he hoped for the introduction of an adequate remedy to the evils complained of.—He would not trouble the House farther than by expressing his sincere regret, that the House did not go into the committee, in order that the character of this Mr. Barber Beaumont might be exposed in its true colours, and that he might be exhibited not only to the House, but to the whole world what he really was—a disappointed man! He became a magistrate, and contrived to get into the commission with the view to his own immediate interest, and not obtaining licenses in the east and in the west, where, if he had succeeded, he would most probably have gone to the north and the south, he had made the present attack. He might, indeed, have some other motive besides that in which he was disappointed, and might expect by appearing solicitous for the public welfare to become a popular candidate for distinction. His first endeavour was, to serve himself by obtaining licenses, but having failed in this, he had been induced, in the bitterness of disappointment, to bring the present charge against the brewers.

Mr. *Lockhart* observed, that if this had been the petition of the individual named, with whom he had no sort of acquaintance, he might have declined it; but he had presented the petition of 14,000 persons. It was not the petition of one particular individual, but of that individual, and 14,000 others, and although the petition might have been in part signed by those who must be totally ignorant of what they were doing, yet there must be part of the petitioners who were qualified to judge of the price of the article and its flavour, although they might not be aware of the details which the hon. member had entered into. With respect to going about canvassing for signatures, it was a system which he greatly reprobated. It was borrowed from the mode that had been adopted in cases of a political nature; and those who introduced it, were, he conceived, liable to great blame. An hon. gentleman had taken a considerable latitude in his observations. He had supposed that some attack was intended upon an establishment. Upon what establishment? Here were eleven or twelve houses —and, if it were felt that a public grievance was perpetrated by them, what was to prevent individuals from presenting a petition against it? Why should security be given that the petitioners should prove their allegations? If such a principle were once admitted, the right of petition would be completely destroyed. Two hon. gentlemen had denied the statements contained in the petitions; and he was very happy to hear their declaration. He was quite satisfied that no such ingredients were ever used in the breweries of either of those gentlemen, but how could they pledge themselves for all the other brewers? They were persons of large fortunes and fine principles, and consequently above such arts; but, surely, it did not follow that less honourable men might not have recourse to the practices complained of. With respect to that part of the petition which related to the present system of licensing public-houses, it was evident, from the report of the committee, that some alteration ought to be made; and it would be recollected that a bill had been brought in last session for the purpose, though it was not carried. The hon. gentleman had denominated Mr. Beaumont a disappointed magistrate, who had drawn up this petition from personal motives. But it should be remembered, that he had given evidence before the police committee, and that that committee had coincided in the propriety of his conclusions. He ought not, therefore, to be spoken of merely as a disappointed man, when a committee of that House had thought his evidence worthy of being acted on. In order to give the brewers an opportunity of justifying themselves, he would, with the leave of the House, withdraw his motion, and move instead thereof, "That the said Petition be referred to a committee, to examine the matter thereof, and report the same, with their observations thereupon, to the House."

The motion was agreed to, and a committee appointed.

WEIGHTS AND MEASURES.] Sir *G. Clarke*, seeing a right hon. gentleman in his place, was desirous of putting a question to him, which, he believed, it would be in his power to answer. It would be recollected, that, two years ago, he had introduced a bill to establish the uniformity of weights and measures, which passed that House, but was lost in the House of Peers. A commission, it was then said, would be issued to the royal society, to determine what standard of weights and measures should be adopted. He had last session asked, whether that commission had issued, and if so, what steps had been taken under it? He was informed by the chancellor of the exchequer, that it had not then issued, but that it would in a very short time. He now understood that it had not yet been made out. He therefore wished to know, what circumstance had occurred to prevent it, and whether it was probable that any commission would speedily be issued? If answered in the negative, he should move for an address to the Prince Regent, praying that a commission should issue immediately after the recess, since he could not bring in a bill on the subject, with any chance of success, till that previous step had been taken.

Mr. *Bathurst* stated, that he could not give the hon. member the information requested, but he would inquire into the subject.

INDEMNITY BILL.] The Attorney General having moved, "That the bill be now read a third time,"

Sir *J. Newport* rose to propose the amendments, of which he had given notice. The first referred to a principle, which was recognized in the preamble of the bill, but for which there was no corresponding provision in the bill itself. In the preamble it was recited as follows:—"Whereas some of the said acts done may not have been strictly justifiable in law, but being done for the preservation of the public peace and safety, it is fit that the persons doing the same should be saved harmless in respect thereof." To the principle of this passage he was quite ready to assent: for it was but just that an act done for the public safety, should be entitled to indemnity. But then, upon whom, in equity, should the loss, occasioned by that indemnity, fall? Whether should the individual, who had unjustly suffered, be condemned still more to suffer, by being deprived of redress and of his right of action, or should the damages awarded by any verdict upon that action be paid from the public purse? According to the indisputable principles of common justice it would appear, that any expense or damage incurred by an act done for the public safety, should rather be defrayed from the public purse, than from the purse of the individual who had unjustly suffered through that act. It was, indeed, clear and demonstrable, that where an individual was called upon to suffer for the public safety, the price of that suffering ought not to be paid by that individual, but by the public at large. If, then, this principle was admitted—and he saw no ground upon which it could be disputed—he could not anticipate any valid objection to the amendment which he was about to propose. This amendment he was urged to bring forward, not only because its principle was good in theory, but because he felt its adoption to be necessary from experience. He had seen much of the consequence of indemnity acts in Ireland. Two indemnity acts were passed by the parliament of that country in 1798, and he could speak of their effects, not from the information of others, but from what he himself had witnessed. For what he was about to state, he could pledge his honour and veracity as a gentleman, and as a member of parliament. It related to the case of an honest and respectable trader, who was robbed of his property by an act of indemnity; and that case was enough to convince any candid man, that if an individual suffered for the public safety, the price of that suffering should be defrayed from the public purse. In the course of the year 1798, Mr. Matthew Scott, a respectable and affluent cornfactor, of Carrick-on-Suir, in the county of Tipperary, was taken into custody by the well-known Thomas Judkin Fitzgerald, upon a charge of sending corn to the rebels at Ross. This charge was preferred against Mr. Scott upon the evidence of a common informer, of the name of Devaney, a wretch whom lord Avanmore, upon a subsequent trial, pronounced one of the most perjured and infamous villains that ever appeared in a court of justice. Mr. Scott utterly denied the charge—demanded a trial—and bail to the amount of 100,000*l.* was offered to Fitzgerald, for his appearance upon any prosecution that might be instituted against him. But this offer, which he could affirm to have been made, as his (sir J. N.'s) own brother was one of those who were willing to become bail, was peremptorily rejected by Fitzgerald, and Mr. Scott was dragged to the gaol of Clonmel. Yet, after being detained five or six days in duress, he was offered his discharge upon giving 20,000*l.* bail, to be forthcoming when called upon. With this proposition, however, Mr. Scott refused to comply, observing to Fitzgerald, "You have blasted my character and deranged my trade in the country, by accusing and arresting me upon a charge of being connected with rebels; I therefore demand a trial, in order that my innocence may be proved, and my reputation redeemed." The injury, indeed, done to Mr. Scott was such, that he became bankrupt, particularly through a fall which had taken place in the price of corn, against the consequence of which he might have guarded, if at liberty to attend to his business. Yet this gentleman was liberated from his imprisonment without any trial whatever, and without being aware at the time upon whose information he was committed, for he was never confronted with his accuser. Upon his liberation, Mr. Scott brought an action against Fitzgerald; but of the right of obtaining any redress he was robbed by the act of indemnity. Thus a man, most grievously oppressed, was precluded from obtaining any legal redress in consequence of an act of indemnity; and such a case afforded a strong lesson to the House to guard against the repetition of similar injustice, by providing, that if an individual suffered for the public safety, the public purse should pay the price of that safety.—But he could quote many other cases of still greater injustice—of, indeed, unexampled atrocity and barbarity—from the period of Irish history to which he referred. He spoke upon this subject with some feeling of reluctance, because at the period to which he referred, the noble lord opposite (Castlereagh) was the minister of Ireland. He acquitted the noble lord of knowingly countenancing such acts. But it was to be recollected, that after the atrocities related of Fitzgerald had been perpetrated, the act of indemnity to screen him from the consequence of these atrocities was passed by the Irish parliament; nay, that after those atrocities were fully proved upon several trials in the Irish courts of justice, Fitzgerald was created a baronet, and granted the favour of raising a regiment, by which Fitzgerald himself boasted that he realized several thousand pounds. Why, then, should such a man be indemnified? He really believed, that the acts of indemnity then voted by the Irish parliament, served to seal its own ruin: that its character was so completely and irrevocably sacrificed, in the estimation of the Irish people, by these acts, that its extinction, soon afterwards, excited no regret whatever in the public mind. Even after, indeed, those acts were passed, the Irish people shrunk from the parliament, and were ready to seek protection from such a body in any government whatever. It was, indeed, the general belief among considerate men in Ireland, that if it were not for these acts of indemnity, the union would not have been carried. Nay, many were forward to say, that the noble lord opposite pressed the adoption of these acts, with a view to render the parliament unpopular, in order to carry the union, but he would not say so. From the odium, however, which attached to the Irish parliament in consequence of those acts, which so completely severed the people from it, he exhorted that House to beware of pursuing a similar course.—Another amendment which he proposed was, to recognize, by a distinct provision, that which some of the advocates of the bill so readily avowed, namely, that persons inflicting undue rigour in the arrest or imprisonment of any individual under the Suspension act, should not be skreened by the measure before the House. If the gentlemen who made the avowal alluded to were candid, he could not conceive any ground upon which they could consistently oppose such an amendment. After expressing a wish to know what was meant in the bill by the words "advised to be done,"—which words were inserted in one of the indemnity acts passed in 1801, namely, that for England, the right hon. baronet proposed his first amendment, that any damages which a jury might award to any one proved to have unjustly suffered in consequence of arrest or imprisonment, or other injury, for the public safety, within the period mentioned in the bill, should be paid out of the public purse. The right hon. baronet concluded by observing, that it was his intention, if the House did not adopt his amendments, to move the recommittal of the bill.

The *Speaker* observed, that he felt some difficulty on the question. He was not aware of any precedent which would authorize a motion for the recommitment of a bill on the third reading. When a bill originated in that House, the form was, that after it had passed through a committee, it should be ordered to be engrossed; when it came from the other House, the only difference was, that it came engrossed. As to any alterations proposed, it was as open to discuss them in the House as in a committee. But the only time for attaching alterations to a bill that had once come to a third reading, was after it had been read a third time.

A conversation then ensued between Mr. Wynn, sir W. Burroughs, lord Castlereagh, and Mr. Bathurst, when it was agreed that the alterations should be reserved for the passing of the bill, and that the third reading should now be entered on. The question for the third reading being put,

Sir *R. Heron* said, that he could not allow that last opportunity to pass, without avowing his decided opposition to this most unjustifiable bill, and to every measure connected with it. He had too sincere a veneration for the constitution of his country—a constitution that had carried the nation through the most stormy periods of its history, not to feel satisfied that the laws were sufficiently strong to preserve it and the people who lived under it. What security had the people of England for the future against frequent invasions of their personal freedom? The same pretext that was now made subservient to the designs of the ministers would always present themselves. Such a case of justification as they made out was at all times in their power, because there never was, and probably never would be, a period in which men of profligate morals and ruined fortunes would not be found engaged in some desperate projects against the public tranquillity. When his majesty's ministers had determined on manifesting their displeasure against the country, why had they not the manliness to go at once to the extent of their security? Why divide their system and do half by anticipation and half by retrospection? When the Suspension act was opposed on the ground of possible abuse, the argument was, that the aggrieved would have their remedy. When the abuse was alleged in petitions on the table, the answer was—a bill of indemnity. It was thus that ministers kept their solemn pledges. It was by expedients such as these that the people were to be mocked, and defrauded of the protection of the constitution. But it was even now recommended, though the loyalty of the country had been and was untainted, to persevere in the same vigilance, in other words, in the same abuses. Why, then, repeal the suspension of the Habeas Corpus act? There was just as true a ground now for that severity as when it was last session adopted. Now that a dissolution was approaching, it became the object of ministers, by mean endeavours and miserable subterfuges, to hold themselves out to the timid and the pusillanimous as the protectors of the peace and property of the country. Let ministers not deceive themselves. Public opinion in this country had passed its childhood and reached maturity; and to that opinion, soundly and firmly expressed, he would leave it, to appreciate the conduct of his majesty's government.

The question being put, That the Bill be now read a third time, the House divided: Ayes, 82; Noes, 23. The Bill being accordingly read a third time,

Sir *John Newport* rose, to move, as an amendment, the addition of certain words to the first enacting clause of the bill. His object was to render it more explicit, and to carry into more certain effect the principle which its authors and supporters professed to have in view. They had declared, that it was not their wish or intention to extend indemnity to cases of unnecessary rigour or severity. If they were sincere in this declaration, he did not think it possible that they could object to the amendment which he was about to submit. Such an amendment appeared to him to be necessary, in consequence of the vague and general language in which the clause was expressed. It was desirable that no doubt whatever should exist with regard to the cases to which the indemnity would apply; and that it should be distinctly understood, that it did not refer to cases of imprisonment, longer or more severe than was required by the purposes of the Suspension act. With this view, he should move for leave to bring up a clause, providing that the indemnity granted by the bill was not to be construed as extending to those who had exercised any unnecessary cruelty or severity in the apprehension or detension of persons under the act for suspending the Habeas Corpus.

The *Attorney General* rose for the purpose of objecting to the bringing up the clause; but it being agreed that it ought in the first instance to be read, he afterwards opposed its reception, on the ground that it was quite unnecessary for the purpose of declaring the true construction of the bill. The law had already secured to individuals the right of seeking redress and compensation for any unnecessary rigour or excess of severity which they might have experienced. The proviso, therefore, now brought forward by the right hon. baronet could not promote the object which he had in view. He recollected, although not then in the House, that in the year 1801 a similar clause had been moved in the indemnity act which passed at that time, and the argument urged in support of it was, that the bill, without this clause, would indemnify all gaolers and other persons for any acts of oppression of which they might have been guilty. But it was then answered, and he begged leave to repeat that answer, that no act in the nature of an indemnity act would prevent any individual from obtaining redress for unjust or unnecessary rigour, if he had in fact been so treated.

Mr. *P. Moore* considered the bill, in its present shape, as indemnifying every kind of enormity, and as excluding redress for every kind of private injury. The system of employing and protecting, by such means the race of spies and informers was a practice unknown to the old constitutional government of the country. He had opposed all the measures that had been proposed since the year 1792, by means of which a bastard constitution had been formed unknown to the legitimate constitution of England, and under which that venerable fabric could no longer be discovered. He should certainly vote for the clause proposed by his right hon. friend.

Mr. *W. Smith* said, that he would apply the case of the petitioner Ogden to the clause now proposed by his right hon. friend. He was aware that it had already called forth the derision of a right hon. gentleman; but when he considered the age of that man, seventy-four years, and the infirmities under which he laboured, he could not help thinking, that to indulge in derision excited by such causes was not a very enviable display. He put the man's guilt or innocence wholly out of the present question. He did not care whether the infirmity of the man had existed previously to his arrest, or was the consequence of his ill treatment; let them take either alternative, and he would still contend, that if Ogden was in that dreadful state of health before his arrest, it was an extreme of rigour to have subjected him to the heavy ironing, which was sure to aggravate his agony; and the man who inflicted it thus unnecessarily ought to be punished. But if the disease was the result of the torture, no punishment could be too severe. Now, the question he wished to put to the attorney-general was this—could Nadin, the person who so heavily ironed Ogden, plead the present act of indemnity against an indictment? An answer in the negative from such an authority would go a great way [No, no! from the Opposition], although his hon. friends were mistaken, if they imagined he would accept that admission in preference to the clause of his right hon. friend. He wished the clause might be carried, as the opinion of a judge upon the bench might not coincide with that of the attorney-general. He was fully persuaded that many of the acts done in consequence of the suspension of the Habeas Corpus were unknown to the noble lord at the head of the home department, or to the right hon. gentlemen opposite. But scores of gaolers were to be found who, from want of sense of feeling, thought they were recommending themselves by such conduct to the favour of their superiors.

Lord *Castlereagh* said, that with respect to the proposed clause, two questions came to be considered. First, if it were necessary or not; and next, what would be its effect should that necessity not be made out? The law had been clearly laid down by his hon. and learned friend, the attorney-general, who had shown that the clause was unnecessary; and if not necessary it would have a tendency to raise doubts in other cases, as the law did not presume abuse in legal enactments. No bill of indemnity could sanction cruelty and oppression, or be pleaded in justification of it. The bill of indemnity might indeed be pleaded, but the judge would direct the jury to ascertain the fact if any, and what kind of cruelty had been used; and every judge would tell the jury that the act of indemnity was extrajudicial. In the case of Ogden, the allegation of his having been put in irons had been denied, and upon that statement, a jury, should the case be brought before them, would have to decide, as also how far the confinement was justifiable. Nothing could be so dangerous to the liberty of the subject as to introduce useless qualifications in such a bill. The bill touched no question as to spies and informers, and only embraced four points; the seizure of arms, of papers, the detention of suspected persons, and the arrest of those who attended tumultuous meetings. By a special proviso, a greater latitude would be given in other matters to the construction of the bill.

Mr. *J. H. Smyth* was not satisfied with the explanation of the noble lord, and thought the object and principle of the bill would be made clearer and less disputable by the adoption of the clause. The words of the bill were at present extremely general, and applied the indemnity to "all acts or proceedings" under the Suspension act.

Mr. *Bathurst* observed, that in 1801 the same point had been mooted, but had been determined. The attorney-general of that day, who was at present at the head of the court in which any actions for redress would be brought, had expressly declared his opinion, that the bill of Indemnity would not protect acts of unnecessary rigour. Honourable gentlemen had chosen to let the bill pass through the committee without stating their objections; and now they wanted to make it a totally new measure. Before he sat down he wished to say a few words respecting a right hon. friend of his, who had just left the House (Mr. Canning), who had been censured for treating with levity a subject of a serious nature. But what were the circumstances to which his right hon. friend had adverted? One, that the individual in question had had for twenty years, the disorder which it was said had been brought on by the duress he had sustained; the other, that by being brought to London, he was placed within the reach of abler professional assistance than he could receive in the country, and that by means of that assistance he had returned home totally cured, and as he himself expressed it "a new man." No doubt could exist that the disease had not been brought on in consequence of Ogden's confinement.

Mr. *Lyttelton* observed, that the recent allusions in the speech of a right hon. gentleman to the case of the petitioner, Ogden, violated every rule of decency and public decorum. Not to dwell, however, on so disgusting a subject, he thought this question an extremely fair test of the sincerity of those who introduced the measure under consideration. The proposed amendment was extremely simple, and could only operate to render the principle of the bill more plain and indubitable. Why should it not be generally understood, that if cruelty or oppression had been exercised under the powers of the late unhappy Suspension act, the authors of it were liable to be brought to condign punishment? The right hon. gentleman had observed, that the proper time for proposing amendments had gone by, and that they ought to have been submitted in the committee. To this observation be must reply, that the bill had been pressed through its various stages with extreme and indecent haste. For his own part, business of great importance had detained him for some days in the country from his parliamentary duties, and on his return he found that the bill had been most rapidly advancing. Other members were probably in the same predicament; and now that an opportunity offered for making the observations which occurred to them, their mouths, forsooth, were to be closed! If the bill came out of the committee radically erroneous, the present was the time to correct it. It was not the opinion of an attorney-general, given in the House of Commons, that could determine the point. The judge must look at the letter of the law, and unless the House chose to submit their understandings to the quibbles and glosses of lawyers, and especially of lawyers in the pay of the Crown, they would take care that that letter should be perfectly explicit. The object of the bill was to nullify the ordinary law—to legalise that which was illegal. He contended that it would prevent any one of the acts in question from being made the subject of judicial inquiry, so that the parties aggrieved might have redress. The right hon. gentleman had indeed said, that the attorney-general of 1801 who had expressed his opinion that the Indemnity bill would not defeat any action for acts of unnecessary severity, was now lord chief justice of the court of King's-bench. In the first place, however, the actions for redress might not come before that noble and learned lord; and in the second place, if they did, taking the present bill in his hand, he, from the light of experience, or from other causes, might not retain the sentiments that he entertained when attorney-general. The noble lord talked of the hon and learned attorney-general having laid down the law. The gentlemen opposite had been so long in the habit of finding that what they said was law in the common acceptation of the phrase, that they began to fancy that every thing they laid down was really law. Things were however not quite come to that pass. Until he found that their opinions were in fact law, he could not be brought to change his sentiments on the present question. Reverting to the whole of the transactions—the reports of the committee—the suspension of the Habeas Corpus—this indemnity bill, &c. he characterised them as forming one of the most impertinent but at the same time one of the most mischievous farces that had ever been played on the political stage: and as exhibiting still greater inconsistencies than any former proceedings of the present ministers, fraught as those proceedings had ever been with the grossest inconsistencies.

Lord *Castlereagh* said, he had merely stated, that the case alluded to had been denied; but if the person felt himself aggrieved, he was not precluded by the bill from proving it before a jury.

Mr. *Lyttelton* believed the noble lord was sincere in what he said; but opinions delivered in that House would not settle the law.

Lord *Castlereagh* said, the question of cruelty could only be decided by a jury. The bill did not take away the opportunity of such a decision.

Sir *S. Romilly* said, he was surprised to hear the line of argument which had been pursued by gentlemen on the other side. Was there any thing in this case that could admit of any doubt? Were there any technical words in this clause which a lawyer could understand better than any other man? Here were plain words which every man could comprehend. This act said, that all actions brought for or on account of any act, matter, or thing, should be discharged and made void; and that every person by whom any such act, matter, or thing should have been done, should be freed, acquitted, discharged, and indemnified. Now, they were told, that this act did not mean what it said. It was stated, that it went only to all necessary acts. But if this was the intention of the gentlemen who framed it, why did they not say so? The bill declared, that all acts whatever should be indemnified. What, then, was to become of the cases of those who had been treated with improper severity and cruelty? The petitioner, Ogden, whose sufferings had been treated with so much levity and want of feeling, declared, that the infirmity under which he laboured was produced by the weight of fetters. Was this, then, a necessary act? Did this come within the meaning of the bill? If so, the words of this legislative measure had a different meaning in that House from what they had in any other place. He did most conscientiously say, that this was not the construction which could be put upon this act of parliament. The right hon. gentleman who talked about the attorney-general of 1801 said, that his opinion could not fail to have very great weight; but was not that opinion given when he was attorney-general, and urged in support of ministers in the House of Commons? The opinion of an attorney-general was not law: nay, the opinion of a single judge was not law; the opinion of a judge at his chambers, or at *Nisi Prius*, might be, and often was, over-ruled: and were they now to be told, that because the person who formerly held the situation of attorney-general, had delivered such an opinion, it must be taken to be the law of the land? He would never submit to such doctrine. He knew full well the importance which ought to be attached to the opinions of his majesty's attorney-general in that House. But it seemed, that because gentlemen on his side did not think proper to propose this amendment in a committee; because they were not present at any moment which his majesty's ministers might command; because it was judged expedient to the government that this bill should be passed with the utmost precipitation; therefore it was not proper that this question should be discussed now. If this argument were to be allowed, in what manner could they justify themselves to their constituents—in what way could they hope to excuse themselves to the country—in what words could they reply to those persons who were suffering from the severities which had been so wantonly inflicted upon them? If his hon. and learned friend, if the noble lord opposite and his colleagues, contended that the words in question meant only necessary acts, why did they refuse to add the word necessary in that clause? He would once more say, that this act of parliament, to be considered in the way which gentlemen asserted, required the amendment which had been proposed.

The *Solicitor General* said, that his learned friend had declared, that it was proper to insert the word "necessary," but his argument seemed to imply that it should be "unnecessary." Now, in his humble, but unequivocal and conscientious opinion, as the bill at present stood, no lawyer could contend with any prospect of success, that an unnecessary act done for the purpose of apprehending, detaining, &c. was protected by it. The acts, matters, or things, must obviously be necessary; for if not necessary, they could not be done for apprehending, committing, detaining, &c. An act of severity or cruelty was not done for the purpose of apprehending, detaining committing, &c. It must have some other object; and could not be protected by the bill. He could not help thinking, therefore, that the word "necessary" was implied in the present bill, as it had been implied in all other bills so framed. In 1801, lawyers on the opposite side of the House, as distinguished as any that ever sat in parliament, were perfectly satisfied that such was the legal interpretation of the Indemnity bill of that day. If this was the case, it would be pernicious to introduce a clause, or a superfluous word, the only effect of which might be to raise a doubt where no doubt at present existed, and to stimulate to proceedings that might prove highly injurious to the parties instituting them.

Mr. *Brougham* thought, that when the House saw there was as complete a difference of opinion between the two hon. and learned gentlemen on the construction of the clause in question, as there was between aye and no — when they heard his hon. and learned friend say, that he conscientiously entertained no doubt that the legal construction of the clause was in one way, and the solicitor-general, backed by the attorney-general, that he conscientiously entertained no doubt that it was in another, they would scarcely leave the words of it in so vague and undefined a form. What was the hon. and learned solicitor-general's argument? That there could be no difference of opinion on the clause. But there actually was a difference of opinion on it. And why not, then, insert the explanatory word recommended by his hon. and learned friend? The apprehension of tautology and surplusage! How long had acts of parliament been so concise in their construction? When had brevity become the style of the statutes? Was it on the introduction of the present bill, that the love of precision had seized the framers of it? Let the House observe what expedients had been resorted to, to avoid tautology and surplusage in it. The preamble stated, that "divers persons had tumultuously assembled, &c."—"to disturb the public peace," an ordinary man would have thought sufficient; but no—"to disturb the public peace and tranquillity." Again, to cause terror in the minds of his majesty's loyal subjects," might have been supposed sufficiently intelligible; but the framers of the bill, in their love of precision, expressed it—"to cause terror and intimidation." When an author once got into a certain style, he generally continued it. The hon. and learned gentleman's style, or rather his penmanship (as lord Kenyon once called the composition of an auctioneer, which he did not think deserved the appellation of "style") manifested itself throughout the whole bill. It was declared in it to be necessary that the information which had been obtained of traitorous designs "should remain secret and undisclosed." It then spoke of "actions, suits, indictments and prosecutions," for "any act, matter, or thing, done commanded, ordered, directed, or advised, &c." But there it seemed the hon. and learned gentleman's love of conciseness stopped; for after that no word not strictly or absolutely necessary must be allowed. To men of common understanding it would appear, that as so many words had been introduced into the bill which were certainly not necessary, one word, the necessity of which was even doubtful, might, without great difficulty, be admitted. One single word! It would not cost much to engross it. It would be but a slight deviation from the classical style of drawing acts of parliament, so much insisted on by the hon. and learned gentleman, and it would certainly be very satisfactory to the country, after so much difference of opinion had been expressed on so important a matter. It was, perhaps, unnecessary for him to enter into the arguments of his hon. and learned friends as to the meaning of the words as they had left them. He could not, however, think them so clear as they supposed, especially when they considered the purport of this act. Was it too much to ask, that they should make that clear which the court was required to follow? Did his hon. and learned friend go so far as to state, that the opinion of the lord chief justice of the King's-bench, when he was attorney-general in that House, was now to be recognized on the bench? What use, he would ask, could be made of that opinion out of that House? He should like to hear his hon. and learned friend tell the chief justice that this opinion was to bind him in the court where he sat, because he had delivered the same opinion on a former occasion. The chief justice would then ask, in what volume of East's Reports is that opinion to be found? To which question his hon. and learned friend would be obliged to answer: It is not contained in any volume of East, but is inserted in Cobbett's Parliamentary Debates. In Cobbett's Parliamentary Debates! the chief justice would say. What authority in this court are Cobbett's Parliamentary Debates? He thought this clause was exceedingly liable to the construction which had been put upon it by his side of the House. The question was, whether putting chains on a man was necessary for the purpose of detaining him, or whether the chains were not so wide of the purpose, that they were not necessary. If the hon. and learned gentlemen on the opposite side were sincere; if they did not mean to justify and to indemnify all acts of persecution and cruelty, they could have no objection to add the word "unnecessary," particularly in an act which was not drawn with all the conciseness of which they boasted, and which they might have employed on the occasion.

Mr. *Wynn* thought that a clause, such as that proposed by the right hon. baronet, might throw a doubt on other acts of the same description, though not on this. There could, however, be no inconvenience in inserting the word "necessary." It was the more requisite, because there was not one decision on acts of this nature. In the case of a justice of peace who had gone beyond his authority, and had done unnecessary acts, he would ask, if it had ever been held, that he was not as much entitled to notice of action, as one who was proceeded against after having acted properly? If so, the word "necessary" was by no means superfluous in the present case.

Sir John Newport then withdrew his amendment.

Sir *W. Burroughs*, after reminding the House that the enacting clause proposed an indemnity for any acts whatever done under the suspension, proposed a clause to prevent its including cases where those acts were done maliciously and without probable cause. This clause differed from that proposed by his right hon. friend, as it was not confined to gaolers, but extended to malicious informations, and malicious acts done by magistrates, or police officers. He agreed, that where a magistrate made a slip, not *malo animo*, he ought to be protected, as he was by the 24th of Geo. 2nd, which entitled him to one month's notice of action, and limited proceedings against him in six months; but if he acted maliciously, he ought not to be protected; and that was the case his clause meant to provide for.

The *Attorney-General* contended, that this clause would defeat the whole object of the bill. Upon what principle was the bill founded? It was founded on the presumption, that the acts for which indemnity was provided, were done for the public safety, and that the persons to be indemnified had acted honestly, fairly, and *bona fide*, and therefore they ought to be freed from the necessity of producing, in a court of justice, the evidence on which they acted, as the production of such evidence would be attended with danger. And yet the hon. baronet proposed a clause, which would have the effect of forcing them to lay all the evidence on which they acted before courts of justice; for how could a magistrate or secretary of state rebut an allegation of malice, or having acted without probable grounds, without disclosing all the circumstances on which he acted? If the House wished to reject the bill, in the name of Heaven let it be rejected; but let them not pass the bill, and adopt at the same time a clause which was contrary to the principle of it, and would completely undermine it.

The clause was negatived.

Sir *W. Burroughs* rose to propose as an amendment, that, after that part of the preamble, " And whereas, in case the acts and proceedings of the several persons concerned or employed in such apprehending, committing, imprisoning, and detaining in custody, and dispersing, and seizing, and searching, as aforesaid, should be called in question, it may be impossible for them to justify or defend the same," the words immediately following be left out—" without an open disclosure of the information given, and the means by which the said traitorous designs and unlawful purposes were discovered; and it is necessary, for the safety and protection of the persons by whose information and means the same have been discovered, and for the future prevention of similar practices, that such information and means should remain secret and undisclosed."—In the six bills of indemnity which had been passed since the Revolution, this recital was not to be found in any of them, with the exception of the bill of 1801. Some of them were followed by prosecutions and executions, but yet nothing of this import was found in the preamble of an act of indemnity. He saw no reason for introducing it now, particularly when the report declared that the mass of the population had continued loyal.

Sir *F. Flood* rose, amidst loud cries of question! The bill, in all its parts, he was prepared to support. It had obtained, he said, the test of the House of Lords—[Order, order!]—by a great majority; and the discontented on the other side of the House, might be very well satisfied with the great majorities that voted for it in every stage. Nothing, however, would content them but long declamatory speeches, *ad captandum vulgus;* falsely imagining that they could thereby please their constituents before a general election. They were mistaken. Their speeches and their declamations went for nothing; not only with the greater part of the House, but with the people outside also. The bill was founded upon necessity—upon the report of the most respectable and the first characters in the country, one of which was the noble secretary for the foreign department. One of the papers had mis-stated what he said the other night: he did not wish that the duke of Wellington had been upon the committee; his words were, that he was very glad that his countryman, the noble secretary for foreign affairs, was a member of it, because no person was more fit to be so. He had reconciled the contending powers of all countries, and gloriously effected a peace. He gloried also in his other countryman, the duke of Wellington; he had saved the world; but he (sir F. Flood) had never mentioned one word about his being on the committee. Thanks to the loyalty of the people of Ireland—thanks to the probity of her magistrates—thanks to the excellence of her government, it had not been found necessary to extend the Suspension act to Ireland. She had set an example to England; and, therefore, he was sorry to hear a right hon. baronet going back to cruelties committed twenty years ago in Ireland, and quoting them as examples for this country. The statute of limitations would prevent the recurrence of such times, and they should not be mentioned at all. He wondered to hear that right hon. baronet recommend that any damages incurred should be paid out of the public money. Was this economy? It was curious and strange, he must say, to hear such language coming from a person who had filled the place of chancellor of the exchequer for Ireland, and filled it very well too, and with great benefit to his country. He voted for this bill, not as a party man; he did not belong to either side of the House. He supported it as an independent member of parliament. He would not say any more. He did not rise for the love of talking; for he would rather, any day, hear others speak than himself.

The amendment was negatived.

Sir *J. Newport* moved an amendment, providing that payment should be made from the public revenue of such damages and costs as should be awarded to any aggrieved person in a court of justice. This principle was, he said, recognized in the case of vessels captured illegally, when costs and damages were awarded against the captors, if it appeared that they had acted with a view to the advancement of the public service. In such case, the costs and damages were allowed out of the droits of admiralty. Why should not the public pay the price of its own safety? Anxious as he always was for public economy, he should never look for it at the expense of a dereliction of duty—he should not attempt to rob individuals, or avoid throwing on the public purse, instead of throwing on individuals, what was necessary for the public safety.

The *Attorney-General* said, that the object of the bill was, to prevent the necessity of laying the evidence on which magistrates or others acted, before a jury; and yet this clause made the public pay damages and costs. Damages could only be given after a discussion of all the facts and circumstances before a jury; because it would not be contended, that any damages which any body could guess at, should be paid out of the public coffers of the state. They could not adopt this clause without making the preamble a complete collection of unintelligible nonsense.

Sir *John Newport* said, that he wished so to alter the preamble as that the House should afterwards be obliged to alter the enactments. He thought these enactments ought not to be agreed to, as they were in every sense objectionable, and he wished, by means of the proposed amendment, to put the bill into such a shape as that the preamble, as altered, should be carried into execution by a change in the clauses which followed.

Mr. *W. Smith* thought that the bill, as proposed, had in view, not the safety of the state, but the security of a few individuals. It acted only for one party, but that party which he maintained was most injured, were by the present bill deprived of all means of redress. It went upon the unconstitutional principle, that all those who were arrested were guilty, whereas, the presumption of law was that they were innocent until it was otherwise proved. This bill shut every door of redress on those who had suffered in their persons or characters. He conceived an opportunity should be afforded to them to prove their innocence, and that the expenses incurred by the parties against whom actions might be brought, should be borne by the public.

The amendment was negatived.

Sir *W. Burroughs* said, that the object of the bill was not only to protect the secretary of state, the privy council, and the magistrates, but all persons who were in any way concerned in the late arrests, imprisonments, and searching of houses. This was most objectionable, because the same protection which might be deemed necessary for magistrates and others, ought not to be extended to those persons who, without any warrant or authority, entered the houses of individuals to search for papers. He therefore should move as an amendment to the preamble, that after the words "all proceedings whatsoever against," the words "any person or persons" should be omitted, for the purpose of inserting the following: "his majesty's secretary of state, the members of the privy council, all magistrates, peace officers, and constables." By this means, the persons engaged in the suppression of riots and arrest of persons would be sufficiently protected by the bill, and it would not be extended to those whom the laws ought not to protect.

The *Attorney General* observed, that as far as the searching houses for papers, &c. was concerned, the bill was meant only to protect those who searched the houses of persons who were in custody, or who had been afterwards arrested, or those who had been engaged in riotous assemblies, &c. It did not go to protect those who had entered without authority to search houses under other circumstances. The amendment was therefore unnecessary."

The amendment was negatived.

Mr. *Brougham* moved, that after the words "for or on account of any act, matter, or thing, by him or them done or commanded, ordered, directed, or advised to be done since the 26th day of January 1817," there be added the words "which may have been necessary."

The *Attorney General* objected to this amendment as superfluous. By the proper interpretation of the bill, and of every statute similarly worded, the protection afforded was understood only to extend to such acts as were necessary for accomplishing the objects in view. A magistrate was supposed to commit no act of rigour which was not called for in execution of the duty imposed upon him. To adopt the amendment, therefore, would be introducing useless words; but this would not be the only evil. The adoption of the amendment would excite doubts as to the enactment of other statutes where similar words were omitted. All laws regarding the conduct of magistrates supposed them to be liable to damages for excess of rigour in executing their duty: but from the first to the last statute in the statute book, the words "acts which may be necessary," had not been introduced.

Mr. *Tierney* said, that the hon. and learned gentleman, who opposed the amendment on the common principles of law, ought to have remembered that the present bill was a violation of all law, and, therefore, that it ought not to be tried by such a test. He was of opinion, that the language of the bill should be rendered as precise, and as guarded as possible, and he put it to the House, whether he was asking too much when he requested them not to object to the insertion of three or four words, not limiting the indemnity claimed by ministers, but defining the extent to which the law of the country had been set at nought?

Mr. *Lockhart* was against any alteration in the bill. As it now stood it did not preclude any individual from the sort of remedy in a court of justice which he could expect to have, if the words proposed were introduced.

Mr. *Wynn* had no objection to the words being added, as they would not weaken the force of the bill.

The House then divided on Mr. Brougham's amendment: Ayes, 39; Noes, 149. On the question, That the bill do pass,

Mr. *Brougham* said, he did not wish to provoke any discussion in the present stage of the measure, but he was anxious to protest on his own part, and on the part of his hon. friends, against its being imagined that they had less objection to the passing of the bill, either in consequence of the arguments which were urged in support of it, or from the circumstance of their attempting to qualify it by amendments. He and they were as desirous at that moment as before to avow their hostility to the detestable principle upon which the whole bill was founded.

Mr. *Tierney* said, it was his intention, on a former evening, to have delivered his opinions on the subject; but he had abandoned that intention from a conviction that it was quite unnecessary after the speeches of his hon. and learned friend who had just quitted his place (sir S. Romilly), and his hon. and learned friend who had just sat down. He should avail himself, however, of the present opportunity to declare, that he believed this to be one of the most detestable measures that ever was introduced into parliament.

Mr. *Wynn* was of opinion that the measure was a necessary one.

Mr. *Peter Moore* entered his protest against a bill so fraught with injustice.

The bill was then passed.

HOUSE OF LORDS.

Monday, March 16.

WINDOW TAX IN IRELAND.] The Marquis of *Downshire* presented two petitions, one from the city of Dublin, and the other from the town of Belfast, complaining generally of the excessive burthen of taxes, but especially distinguishing the Window tax as that which, in their opinion, bore most unfairly as well as most heavily upon them. The noble marquis said, that when the window-tax was originally proposed at a period previous to the Union, Mr. Corry, then chancellor of the exchequer in Ireland, had urged it merely as a war tax, to subsist only for a limited time. The tax, however, grievous as it was felt to be in Ireland, was continued from year to year, in spite of various remonstrances urged in the most temperate manner at various meetings in a multitude of instances. It was no party question. The cause had been taken up by all classes and descriptions of men, who, though they had willingly submitted to the privations which they believed to be necessary in an urgent moment, yet trusted, in rational expectation and in the confident reliance on the word of a respectable minister, that the burden would be removed as soon as the cause for imposing it should have ceased. They found themselves mistaken. A tax which had been proposed as expedient for maintaining a necessary and indispensable war, and which had been agreed to on the express condition that it was to cease at the conclusion of the war, still continued, and still excited murmurs and dissatisfaction. The petitioners were actuated by the purest motives, but they could not complacently refrain any longer from appealing to the liberality and equity of parliament, for redress under so oppressive a grievance. They were the more confident of finding their petitions favourably received, as the wisdom and justice of the legislature had prevented the occasion of similar petitions from the people of England, who enjoyed the advantage, in point of taxes, of the change which had taken place from a state of war to that of peace —The petitions were ordered to lie on the table.

HOUSE OF COMMONS.

Monday, March 16.

Petition of Thomas Preston.] Mr. Alderman Wood presented a petition from Thomas Preston, late a prisoner in the Tower. The petitioner stated himself to have been taken up on the 4th of December, 1816, and carried before Matthew Wood, esq. then lord mayor of London, by whom he was dismissed, on his proving, to the satisfaction of the said M. Wood, esq. that the charges preferred against him were groundless. He was afterwards again taken before the same lord mayor, and was committed to prison, where he remained five days, cut off from communication with his friends. While thus confined, Castles, a person of universal notoriety, went to his residence, No. 9, Greystoke-place, where he falsely represented himself to petitioner's daughter to have been authorized by the petitioner to dispose of his furniture, which Castles accordingly carried away and sold. The petition went on to set forth that the petitioner had been detained in prison till the month of June, when he was tried for high treason, and acquitted. The petition concluded by praying the House to impeach his majesty's ministers for their conduct, and also to take his case into consideration, and redress his sufferings.—Ordered to be printed.

Navy Estimates.] The House having resolved itself into a Committee of Supply, to which the Navy Estimates were referred,

Sir *George Warrender*, in rising to move the Navy Estimates, observed, that the observations which it was necessary for him to offer, might be compressed within a very narrow space. The committee were aware that the navy estimates had, of late years, been laid before the House in so simple a shape, that a detailed explanation of them was no longer called for. For the last twenty years they had been printed in such a manner that every item could be taken into consideration; and in the last two years the subject had been so ably treated by the committees of finance, that he did not know that he could do his duty better than by referring the House to their reports, for the fullest and clearest information. The committee must know, that during the war the expense of the civil department of the navy had considerably increased, and much of this must remain a permanent charge, as arrangements had been made for bringing the whole of the work that was formerly done in the merchants' yards, into the King's yards. This was a measure which had long been considered to be exceedingly desirable, not merely as one productive of economy, but as a measure calculated to furnish better ships than were produced in the old way.—Another large branch in the expenditure of the navy, which had been referred to in the eighth report of the committee of finance, was that connected with the public works in the naval yards. These would be found detailed in the report, together with a statement by that able engineer, Mr. Rennie, which would render it unnecessary for him to take up the time of the committee on the subject. The committee were aware, from the nature of all works carried on immediately near the sea, that it was most desirable to complete them as soon as possible. Besides, the materials and labour in a time of peace were so much cheaper, that though a large sum might, in one or two years, have been expended, it would in the end be productive of considerable diminution in the expense. That consideration had contributed to produce the increase in the amount in this branch of the present estimates, to which he had before alluded. Every practicable reduction had been attended to. The works at Sheerness and Chatham had done away the expenditure to a much larger amount in the establishments on the river.—There remained one point on which he wished to offer a few observations. In the course of the present session some observations had escaped gentlemen, which seemed to indicate an opinion, that that important branch of British power, the navy, had been neglected by the government. Though this had appeared to be the opinion of some honourable members, from what had incidentally escaped them when other matters were in debate, he could not believe that such an idea was seriously entertained. The navy was felt by government to be the bulwark of the nation—the great source of its glory—and every thing had been attended to that promised to give it strength and efficiency.—Pensions had been given of late years, not merely to disabled seamen, but to those who might one day be called upon to serve their country again. There were at present no less than 35,000 pensioners belonging to Greenwich Hospital, a great number of whom were able to serve again if there should be found occasion to call upon them. The arrangements which had been made were such, that an expedition could now be fitted out sooner than at any former period. He might be allowed to remind the House how rapidly, in one recent instance, an expedition had been got ready for sea. The expedition with which it was prepared was as unexampled as was its efficiency when complete. To this the distinguished officer who commanded it (lord Exmouth) had borne his testimony, and the brilliant manner in which the service on which it was sent had been accomplished, was well calculated to remove every doubt. Looking at these things—at what was done for—and what had so lately been done by the navy, it must be seen that the fear that the navy had not been properly attended to—had not been kept in a proper state of efficiency, was vain. A state of peace did not afford those opportunities for brilliant enterprize and daring achievement which necessarily grew out of a state of war; but there were undertakings, even in times of peace, in which the courage, skill, and persevering spirit of enterprise which distinguished the British sailor, might be most usefully displayed. An expedition, the object of which was very important to the world, was now about to leave our shores. It had ever been the boast of this country, that in war it defended the weak against the strong, and in peace it had always been foremost to make those arduous exertions to extend the limits of geographical knowledge which her great naval means afforded her peculiar opportunities of attempting with success. At present, in various parts of the world, active and intelligent officers were making surveys of coasts hitherto unexplored, or but very imperfectly known. The expedition now about to be dispatched to the arctic regions would attempt to solve a problem most interesting to maritime science. To services of this sort, he trusted British sailors would long be directed; but if circumstances should again plunge us in a war, that powerful arm of defence, our navy, would again be put forth with a degree of strength and rapidity that had never been equalled in the history of the country. Notwithstanding the fears of some gentlemen, it would be seen, that there never was a period when this country, in the event of a war breaking out, could so effectually display, in all parts of the world, the elastic power of its naval arm. The hon. baronet concluded with moving, "That a sum not exceeding 2,480,680*l.* 17*s.* 3*d.* be granted to his majesty, for defraying the ordinary establishment of the navy for the year 1818."

Sir *M. W. Ridley* observed, that if he had any objections generally to the vote proposed, they had been done away by the eighth report of the committee of finance. He did not mean to oppose the vote proposed in any of its items, but that which referred to the puisne lords of the Admiralty, and in that he thought some alteration was absolutely necessary. With this view he should move, as an amendment, that the proposed grant should be reduced in the sum of 2,000*l.* which was now applied as the salaries of two of the lords of the Admiralty, who could in his firm opinion be dispensed with without any detriment to the public service. He hoped the committee would recollect, that when he, on a former occasion,* made a motion for the reduction of two out of the six lords of the Admiralty, it was urged as an objection, that these places were necessary, as they gave an opportunity to ministers to assist their friends, and also, that they were necessary as affording a fit school for the education of young statesmen. This was in effect the defence then set up for the continuance of places which were wholly unnecessary, and if he had not heard such arguments gravely stated in their favour, he should not have felt it his duty to be so strong in his opposition to them. It was said on that occasion, that if these situations were abolished, the Crown would be deprived of a portion of its fair patronage. With respect to that ground, he conceived, that no place which was in itself useless ought to be kept up, merely to strengthen the patronage of the Crown, which was already so great. But with respect to the second ground, that of educating young statesmen, he thought the committee would agree with him, that those young statesman ought to pay for their own education. The sum, it was true, was only 2,000*l.* but in that small amount, the principle was the great object. What the peculiar course of knowledge was in which the minds of these young statesmen were trained, he was not informed enough correctly to describe. He was willing, however, to admit that the committee had that night witnessed the progress of improvement in the hon. baronet [a laugh]. Why a nursery should be established at the Admiralty for young statesmen, he was at a loss to guess. He had been favoured with the sight of a work which had been not long ago published by a gentleman connected with the Admiralty-board (Mr. Croker) which, perhaps, was to form part of the plan of education. It was intituled, "Stories for Young Children;" and he had no doubt was intended for the improvement of some of these sucking statesmen. [Hear! and a laugh.] He could not however but express his disapprobation of the work being put into such inexperienced hands; for in one part of it a great deal was said in favour of Charles 1st, and of his being an excellent man and a good king. He did not think such doctrine was likely to improve the constitutional education of the young lords of the Admiralty. But this was not the only literary production which emanated from the Admiralty-board, for there were several, no doubt, very valuable articles which appeared in the Quarterly Review, originating from the same source, and all for the instruction and improvement of the young statesmen. He trusted the committee would go with him in his view of such situations as those he now mentioned. He was inclined to hope for a strong support to his amendment, in consequence of the result of the motion which was made by his noble friend (lord Althorp) a few evenings back, on the subject of the leather tax. He trusted, that the hon. members on the other side of the House, who had voted on that occasion for the motion of his noble friend, would not now leave the chancellor of the exchequer in the lurch, but that as they had voted for the removal of a portion of the taxes, they would not leave the burden of providing for unnecessary places upon him. The hon. baronet concluded by moving, as an amendment, "That a sum not exceeding 2,478,680*l.* 17*s.* 3*d.* be granted for defraying the ordinary establishments of the Navy for the year 1818."

Lord *Castlereagh* did not rise for the purpose of arguing the question which had before been decided, upon the propriety of keeping up the present number of lords of the Admiralty. On the occasion which had been referred to, the question had been fully looked at in every point of view. The board was now as it had existed for more than a century past, and fewer commissioners, when it was considered that some were wanted at the outports, it did not appear to him would be sufficient. All the suggestions of the committee of finance had been attended to. The hon. baronet had very pleasantly stated so much of the argument that had been used in the former debate on the Admiralty lords, as served his purpose. He had done it with so much fancy, that feeling he could not follow in the same vein, he would abstain altogether from the attempt.

Mr. *Bankes* said, he could so far confirm the statement of his noble friend as to state that the committee of finance had great reason to be satisfied with the economy introduced into various departments, and with the attention paid to all the suggestions they had thought it their duty to throw out. He had read that morning a minute respecting the ordnance department, formerly the most expensive, which had afforded him great satisfaction, and he trusted it would be equally satisfactory to the House when it came before them.

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* See Vol. 35, p. 654.

After the gallery was cleared for a division, and just as the tellers were proceeding to count, Mr. Wilberforce entered at one of the doors, but immediately retreated. The tellers, however, having seen him, followed and brought him in; when he was asked by the chairman of the committee, whether he had heard the question put? to which he replied in the negative. The chairman then ordered the question to be read to him, which was done, and then asked him which way he voted? Mr. Wilberforce replied, for the Ayes, but took his seat among the Noes. Mr. Lyttleton then observed, that he saw a member among the Noes, who had declared he meant to vote with the Ayes; and contended that he ought not, therefore, to be told in his present situation; he meant the hon. member for Bramber.—Mr. Wilberforce admitted that he had for a moment neglected his duty; and coming into the House when the committee was on the point of dividing, without even knowing the subject of the debate, he had endeavoured to withdraw, but had been followed by the tellers, one of whom had dragged him from the place to which he had retreated, and that in his confusion he had declared he should vote with the Ayes, when he really meant to vote with the Noes, being determined to vote in the opposite side to the individual who had brought him forward against his will, in order to prevent his being treated so in future.—The chairman stated, that he conceived the hon. member was perfectly justified in changing his mind, and voting one way, after declaring his intention to vote another [Hear, hear!]—Lord Folkestone called the attention of the House to the declaration of the hon. member, that, without regard to principle or the merits of the case, he voted from the sole motive of disappointing the teller who had brought him into the House; and was proceeding to contend, that it was the duty of both the tellers to bring in any member whom they found in that situation, when he was interrupted by a call of order: and the Chairman repeated, that the hon. member had a right to retract any declaration of his intentions made in error, and he was accordingly counted among the Noes.

On the division the numbers were: For the Amendment, 58; Against it, 85; majority, 27.

List of the Minority.

Althorp, viscount
Baker, John
Bankes, Henry
Babington, Thomas
Butterworth, Jos.
Barclay, Charles
Birch, Joseph
Barnett, James
Burdett, sir F.
Brougham, Henry
Carter, John
Calvert, C.
Calcraft, John
Curwen, J. C.
Campbell, hon. J.
Duncannon, viscount
Douglas, hon. F. S.
Fergusson, sir R. C.
Folkestone, visct.
Finlay, Kirkman
Gaskell, Benjamin
Grenfell, Pascoe
Gordon, Robert
Guise, sir Wm.
Hamilton, lord A.
Hornby, Ed.
Hughes, W. L.
Howorth, Humph.
Latouche, John,
Latouche, Robt.
Lambton, J. G.
Lamb, hon. W.
Lyttelton, hon. W. H.
Lefevre, Chas. S.
Lemon, sir Wm.
Marryat, Joseph
Monck, sir C.
Martin, John
Morpeth, visct.
Madocks, Wm. A.
Newman, R. W.
Neville, hon. R.
Newport, sir John
Ord, Wm.
Osborne, lord F.
Pole, sir C. M.
Protheroe, Ed.
Pym, Francis
Romilly, sir S.
Smith, Robt.
Smith, John
Smyth, J. H.
Sharp, Richard
Sefton, earl o.
Tierney, rt. hon. G.
Webb, Edward
Waldegrave, hon. W.
Warre, J. A.
Wood, Matthew

TELLER.

Ridley, sir M. W.

The resolution was then agreed to. Sir G. Warrender next moved, "That 1,787,181*l.*, be granted for defraying the charge of what may be necessary for the building, rebuilding, and repairs of ships of war in his majesty's and the merchants yards, and other extra works over and above what is proposed to be done upon the heads of wear, tear, and ordinary for the year 1818."

Sir *M. W. Ridley* regretted that, notwithstanding the notice which had been taken on a former occasion, of a very meritorious class of individuals, who had served as pursers in the navy, nothing had been done for their relief. Several persons who had long held such situations, were now to be found begging in the streets, and there was one instance of a man who had been a purser of seven years standing, who was at present on board one of the ships for the reception of destitute seamen, where he was glad to be received to prevent starvation. The committee, he hoped, would take this subject into consideration, particularly as a very small sum would be sufficient for their relief. The reduction which he had had the honour of proposing as to the lords of the Admiralty, would be sufficient for that purpose.

Mr. *Croker* observed, that the persons who had been named were not pursers, but clerks who had acted as such. The Admiralty-board had found it impossible to do any thing for them without opening a door to many claims which it would be impossible to comply with. Those who had been pursers were allowed half-pay, but it was impossible to give it to those persons to whom the hon. baronet had alluded, as they did not come within that class.

The resolution was then agreed to.

HIGH BAILIFF OF WESTMINSTER.] Mr. *Marsh* next rose, for the purpose of moving, in the committee, that a sum of money should be granted to the High Bailiff of Westminster, to remunerate him for losses sustained in consequence of the election of a member to serve in parliament for that city, in the year 1812. It was a case, he observed, of pure, unmixed justice, and he conceived that he should weaken it, if he were to detail the circumstances at any length. The claim came recommended by the committee, to which, four years ago, it was referred. In 1806 and 1807 two severe contests took place for the city of Westminster: and, according to the invariable practice of his predecessors, the high bailiff did that, which, if he had not done, the election could not be brought to a proper issue. It was evident, in a place like Westminster, where the election was of a popular character, and where no regular building was set apart for conducting it in, that, if hustings were not erected, scenes of riot and confusion would take place, totally subversive of the rights of the electors. The high bailiff, however, erected hustings, at a considerable expense, but the money was never refunded by the candidates. He in consequence brought an action for it in the court of King's-bench, but a verdict was given against him, leaving him a sufferer to the amount of 1,500*l.* He begged the attention of the committee to this circumstance, that the high bailiff did not ask compensation for the sum of money to which he had alluded as expended in 1806 and 1807; he only required the minor sum of 800*l*: being a moiety of what he had laid out in 1812. Parliament had recognised the injustice and hardship of the former loss which fell on the high bailiff, and they let no time elapse before they endeavoured to relieve him. With that view the 51st of the king, which assimilated elections in Westminster to those that took place in other places, was enacted, which rendered candidates liable to the expense incurred for the erecting of hustings. But they did not, in that statute, provide for the strange and anomalous case of an involuntary candidate. The high bailiff having been refused payment by an honourable baronet (sir F. Burdett) he brought his action against him, but he did not succeed; the court of King's-bench holding, that that honourable baronet was not a candidate within the meaning of the act. But surely, in justice, it could not be said, that he was not entitled to the money he had laid out. What inference could be drawn from this act, which rendered it compulsory on the high bailiff to incur expenses in the erection of hustings, &c. but that it was meant by the legislature that he should be reimbursed? It would be extraordinary indeed, if the legislature intended, at the same moment, to exempt from its operation certain individuals, who certainly were not specifically mentioned in the act, and were not therefore supposed to be candidates within its meaning. It was this legislative omission in the act that made it the duty of parliament to remunerate him. The act in question provided that a proper place should be erected in Westminster, for carrying on the election; and another clause directed, that the high bailiff should be indemnified for the expense incurred in consequence. Was it not just, then, when he was compelled, by an act of parliament, to lay out his money for this purpose, and when the interpretation given to the word "candidate" militated against his claim, that the legislature should stand forward and grant him that which their omission had deprived him of any other means of procuring? It was, as he had before said, a case of pure, unmixed justice, and he should be sorry to impute to the House so slow a sense of justice as to imagine, that they would refuse to agree to his motion, which was, "That a sum not exceeding 800*l.* be granted to his majesty, to enable his majesty to reimburse the High Bailiff of Westminster for Expenses incurred by him in the Westminster Election of 1812."

Mr. *Bankes* protested against the utter irregularity of the present proposition. Had the applicant the smallest claim on parliament—which he denied—it was quite irregular, in a committee of supply, to propose any vote except in the form of a grant to his majesty; and another irregularity was, that it was totally inconsistent with the practice of the House, for a member to rise up in a committee of supply, and propose a grant for the benefit of an individual, even in the form of a grant for the service of the Crown, unless the consent of the Crown to such a proposition had been previously signified. Had his right hon. friend, the chancellor of the exchequer, received any application on the subject? and if so, had he intimated the consent of the Crown? Without such an intimation, the motion of the hon. gentleman—even if its form were not in other respects incorrect—would be perfectly unconstitutional. Nor was this practice in the least calculated to give an undue influence to the Crown. It had been the established practice, from the time of queen Anne, that no application to parliament for a grant of public money should be made without the consent of the Crown. It was a prudent guard which the House had set up against its own prodigality and inconsiderateness. If once it were allowed to any honourable gentleman to stand up and propose any grant to which a feeling of compassion, or perhaps of levity, might prompt him, the profusion and waste, of which they were accustomed to complain on the part of the Crown, would soon be out-done tenfold by the exhibition of the same qualities in that House. On the irregularity of the proceeding alone, therefore, without any inquiry into the merits of the case—which he was nevertheless quite prepared to dispute—he would oppose the motion *in limine*.

The *Chairman* of the Committee (Mr. Brogden) apologized for an omission of duty. The consent of the Crown had been signified to the proposition, but he had omitted to communicate it to the committee.

Mr. *Bankes* observed, that that did not remove his objection to the irregularity of the form in which the hon. gentleman had brought forward his motion.

The *Chairman* remarked, that that might be rectified by moving for the sum in the form of a grant to his majesty.

The *Chancellor of the Exchequer* said, that the present application was unquestionably sanctioned by the report of the committee four years ago, and that he had signified the consent of the Crown to the introduction of the subject to the consideration of the House.

Mr. *N. Calvert* thought that the emoluments of the high bailiff's office ought to be made known to the House. It was a situation so valuable as to be the object of purchase; and the expense to which it appeared the high bailiff had been subject, might be no unreasonable burden on him.

Mr. *Brougham* said, he was always disposed to listen to the hon. member for Corfe Castle, on questions of economy, and was one of the last men who would vote for an unjustifiable expenditure of the public money in grants, either to the Crown or to individuals, but the present appeared to him to be really a claim of strict justice. This gentleman had been saddled with an expense which the legislature never intended to fall on him, merely by the unfortunate use, in an act of parliament, of a word which was not technical, and which a court of law had construed in a sense different from that in which it was intended. The observation of the member for Hertford, that the office was purchased, rendered the high bailiff's claim still stronger. It was an estate on which parliament had, by mistake, imposed a burden, which the purchaser of it could by no means have anticipated. And for whose benefit was the expenditure in question? For that of the public. To blunder in acts of parliament was not peculiar to the House of Commons; but it was peculiarly imperative on that House to be accurate in every thing which respected elections. In the act under consideration that House had said, that the expenses of the hustings, &c. at Westminster, should be borne by the candidate or candidates. When these words were employed by the framers of the act, it was undoubtedly expected by them that whoever might be returned to serve for Westminster, and who professed his readiness to serve, would be liable to bear his share of the burden. A case had, however, occurred, in which a member had been returned who had not sought the honour, and it had been determined by a court of law, that he could not be called a candidate, and that therefore he was not liable to pay any part of the expenses. Under all these circumstances, the committee were, in his opinion, bound in justice to make good his deficiency to the high bailiff.

Mr. *Wynn* was of opinion, that it was highly desirable the report made by the committee four years ago should be reprinted, and in the hands of members, in order to make them adequate judges of the subject, before they were called upon to decide on it. He had a strong objection to the motion. Nor did it appear to him that there was any blunder in the act. The high-bailiff having brought his action against sir Francis Burdett, for his portion of the expense of the hustings, &c., a court of law had decided, that a man was not a candidate, who had not offered his services to the electors; and that he was not liable to pay his share of the expenses, unless he had rendered himself a party to the proceedings. Were it otherwise, what intolerable injustice might be inflicted on any man, by exposing him to the payment of some hundreds of pounds, in consequence of his being proposed to represent Westminster without his concurrence. If such a proposition as the present were acceded to, it would be advisable to pass a general bill, to declare how such expenses should henceforward be borne; otherwise parliament would unquestionably be called upon to pay all future charges of a similar nature. The sum also appeared to him to be extravagant. He could hardly conceive how so large a sum as 800*l.* could be expended in the construction of hustings, as the materials of which they were composed need not to be afterwards wasted. Perhaps the best course would be for the hon. gentleman to withdraw his motion, and defer taking any farther steps until the report of the former committee was printed.

Mr. *Brougham* said, he was counsel against the high-bailiff, when he brought his actions, and he was therefore anxious to do him justice, by explaining his case distinctly. He was non-suited in his action against sir F. Burdett; but, in the other against lord Cochrane he had succeeded. The expense was somewhere about 1,700*l.* and he recovered a moiety of that sum—the other moiety he now sought from the House. It was made a matter of surprise that the expense was so great. Now, the noble lord suffered judgment to go by default, and the damages were assessed before the sheriff. A minute investigation of the account took place; proof was given as to all the items; and the plaintiff did not receive sixpence more than he was entitled to, on the most unquestionable evidence. The expense was not merely incurred by the purchase of timber for the hustings; the hiring of poll-clerks and their assistants, occasioned a considerable part of it. By the act, it was imperative on the high-bailiff, when a poll was demanded, to cause hustings to be erected. He understood it was a temporary act, and had either expired, or would expire this year. He thought it was necessary that a new act should be passed to guard the high bailiff in future. But in the first instance, they ought to repair the injustice already done. It was of very little use to say, "We will not allow you to lose 16 or 1,700*l.* in future; but we will not reimburse you for what you have already lost."

Mr. *Wynn* said, that if the demand was confined to the election of 1812, it ought to be observed, that no poll had taken place at that time; and he could not conceive how an expense of 800*l.* could be incurred during the few hours which elapsed from the beginning to the end of the election.

Mr. *Brougham* replied, that it was imperative on the high bailiff to have the hustings, and the poll-clerks, &c. ready. It was impossible for him to know whether or not there would be a poll until the time arrived; and such a city as Westminster could not be exposed to all the tumult that would arise from a delay in the commencement of the poll, in the event of its being demanded.

Mr. *Wynn* said, that the mistake was on the part of the high bailiff, in not bringing his action for the whole of the expenses against lord Cochrane, who was a candidate, and from whom he had obtained only a moiety.

Mr. *Bathurst* said, that one of the plaintiff's counsel, Mr. Richardson, made a motion on that subject, but the court held, that, as there was no joint interest in the candidates, the liability was separate. Whatever provision it might be deemed necessary to make hereafter, was not now the question. The question was, whether parliament had not thrown a great duty on the high bailiff, which was not necessarily incidental to his office? The act did throw on him this burden, which was formerly only known by the sheriffs of counties; and why should not parliament grant him an indemnification, under his peculiar circumstances, when their intention evidently was, that he should not lose by their enactment? They said, the expense must be defrayed by the candidates. But that intention was defeated by a particular circumstance. He did not take the office with this burden appended to it. Parliament had caused it, and parliament were bound to prevent him from being injured by it. The demand had been for years in existence; and gentlemen now talked of printing the report, the circumstances of the case being well known. In other words, they were asked to expend half the sum claimed, in the printing of the report, before they proceeded to consider the case.

Mr. *Barclay* thought the present vote might go to establish an important precedent that would apply to other places, in one of which—he alluded to the borough of Southwark—a considerable expense had, on a late occasion, been thrown on the returning officer. He hoped something would be done to prevent the recurrence of such a case, as such claims on parliament ought not to be encouraged.

Mr. *C. Calvert* said, that, at the last Southwark election, when he and a friend of his, now no more (Mr. H. Thornton), stood as candidate, a third person was nominated by his friends. That individual contended, that he had no right to defray any part of the expense of erecting the hustings, as he was not a candidate, and the high bailiff was obliged to pay it.

Mr. *Lockhart* observed, that the act in question was a special one, confined to Westminster, and expired in the present year. The House would therefore do well, if they regarded the peace of Westminster, to adopt some farther legislative proceeding on the subject. As to the question before the committee, it should be remembered that the high bailiff was subject to the penalty of being proceeded against by indictment or information, if, in the event of an election, he did not, in the first instance take on himself all the expense of erecting hustings, providing poll-clerks, &c. He begged leave to say, in behalf of the high bailiff, that, consulting the peace of this large city, he did, on the occasion in question, under very inauspicious circumstances, pay out of his own pocket above 1,500*l.* for the purpose of making the arrangements prescribed by the act of parliament. Half that sum he had never been repaid. He therefore hoped and trusted that that gentleman, who had been already kept four years out of his money, would not be allowed to suffer for his obedience to an act of parliament; but that the committee would show, in his example, that when any duty was cast on an individual for the public service, parliament would not permit that individual to be injured in consequence of his performance of it.

The *Chancellor of the Exchequer* said, that there were so many cases in which the operation of an act of parliament threw a loss on individuals, that it required very particular words to distinguish this case. The charge had been thrown on the high bailiff in a way parliament did not intend. The act on the subject was about to expire, and would probably be repealed or amended. At all events, this ought not to be drawn into precedent; but it was of so peculiar a nature, that upon the whole, he did not think it proper to withhold his assent from the proposition.

The resolution was then agreed to.

Building of New Churches.] The Chancellor of the Exchequer having moved the order of the day for taking into consideration that part of the Lords Commissioners' speech, which related to the building of Churches,

Mr. *Tierney* gave notice, that soon after the holydays he intended to move, that the sum granted by parliament for the erection of a monument to commemorate our victories by sea and land, be laid out in the erection of a parish church or churches.

The *Chancellor of the Exchequer* said, that the subject to which he was about to call the attention of the House was not connected with that alluded to by the right hon. gentleman, in as much as an economical arrangement for the building and enlarging of churches throughout the kingdom, was very different from the erection of a monumental church upon a great scale of ornamental architecture. At the same time, he was far from being disinclined to coincide with the view of the right hon. gentleman on this subject; for he thought that if the right hon. gentleman would communicate with him on the subject, it would be found that they did not disagree. His own opinion was, that nothing could be more fit than that national monuments should be rendered applicable to purposes of general utility.

Mr. *Tierney* expressed great satisfaction at what had fallen from the right hon gentleman. It was so much better that this view had been adopted in the quarter in which it could be most advantageously carried into execution, that he could not but congratulate the House upon it.

The House having resolved itself into the committee, and that part of the Speech of the Lords Commissioners, which relates to the want of accommodation for public worship, having been read by the Chairman, viz.

"The Prince Regent has commanded us to direct your particular attention to the deficiency, which has so long existed, in the number of places of public worship belonging to the established church, when compared with the increased and increasing population of the country. His Royal Highness most earnestly recommends this important subject to your early consideration; deeply impressed, as he has no doubt you are, with a just sense of the many blessings which this country, by the favour of Divine Providence, has enjoyed, and with the conviction that the religious and moral habits of the people are the most sure and firm foundation of national prosperity,"

The *Chancellor of the Exchequer* observed, that he believed no communication from the throne had ever been expected with greater anxiety, or received with more satisfaction by the publie, than that which the lords commissioners had made, by the command of the Prince Regent, at the opening of the present session. For more than a century, the want of accommodation for public worship had been felt by the members of the established church as a most serious evil; and an attempt had been made so long ago by parliament to remedy it, so far as respected the metropolis, and its immediate vicinity. This attempt, however, though attended with considerable expense, had been very imperfect in its execution, only eleven churches having been built, out of fifty which it was proposed to erect. Since that time no farther steps had been taken by public authority, though the evil had been perpetually increasing with the growing population of the country, which was now probably little less than double what it had been when the attempt, to which he had alluded, was made; and still more from its concentration in the metropolis, and the large commercial and manufacturing towns. Nothing, in fact, could have justified so long a delay,—a delay which had continued till any effectual remedy began to be despaired of,—but the difficulties with which the state had had to struggle, and the expensive wars in which it had been involved. It should indeed be remembered that, even during the pressure of the severest and most arduous contest in which this country had ever been engaged, parliament had made liberal grants to promote the comforts of the clergy, and to confer on the public the benefit of a resident—a respectable—and a moderately endowed ministry. But these grants, however important in their object, could not supply the want of places of public worship, of which there existed so melancholy a deficiency.

He believed that in support of a fact so generally known, he might rest on the ground of public notoriety. He should, however, for the sake of a clear illustration of the subject, take the liberty of referring to the accounts laid upon the table of the House by command of the Prince Regent. It would appear from those returns that the proportion between the number of parishes, and that of their inhabitants, varied extremely in the different dioceses of the kingdom. The parliamentary account, No. 1, which comprises only those parishes which contains at least 2,000 persons, and in which the places of worship are insufficient to accommodate one half of the inhabitants would show, that in the diocese of London there were eighty parishes of that description, containing 930,337 souls, and giving an average of 11,629 to a parish;—in that of Winchester the average was 8789;—in that of Chester 8,195;—while in that of Oxford it was no more than 2,422: so that the proportionate population of parishes in the diocese of London to those of the diocese of Oxford, was, as more than four to one. From the account he had extracted a list of twenty-seven parishes, in which the deficiency was most enormous—the excess of the inhabitants beyond the means of accommodation in the churches exceeds 20,000 in each. Of these sixteen, were in, or about London, and eleven in great provincial towns. In three of them, the excess in each was above 50,000 souls:—in four more, from 40,000 to 50,000;—in eight from 30,000 to 40,000; and in the remaining twelve, from 20,000 to 30,000. In Liverpool out out of 94,376 inhabitants, 21,000 only could be accommodated in the churches, leaving a deficiency of 73,376;—in Manchester, of 79,459, only 10,950, leaving 68,509; and in Marylebone of 75,624, no more than 8,700, leaving 66,924 without the means of accommodation. It thus appeared that in three parishes only there were near 210,000 inhabitants who could not obtain access to their churches. It was not indeed, in his opinion, necessary that the church should be sufficiently large absolutely to contain the whole of the inhabitants of a parish at the same time; a large deduction must always be made for infants, and for those, who, from age, from infirmity or sickness, or from necessary domestic avocations, were unable to attend. Allowing for these circumstances, and considering the opportunities which the different services performed in the same day might give to different classes of the population, he should conceive that a parish might be considered as not inadequately supplied if the church could contain one-third of the inhabitants at the same time; and it would be obviously desirable to provide in the bill for the performance of three services on every Sunday, and the more important festivals, in the new churches, in order to derive the greatest accommodation to the public, at the most moderate expense. If this were not the case, the deficiency in the larger parishes would appear so enormous, and the expense of providing any adequate remedy so immense, that he could hardly have the courage to propose to parliament to undertake so hopeless a task. In this respect some objection might be made to the statements of the very useful publications of Mr. Yates, from which he had derived much valuable information, and which he could recommend to every gentleman who might wish to turn his attention to this part of the subject. By comparing the capacity of our churches with the total amount of the population, and placing the actual deficiency upon such a comparison, in the strongest light, Mr. Yates undoubtedly would lead to a desponding view of the subject; but his work contains accurate abstracts of the returns to the privy council which have since been laid before parliament; and other valuable documents, besides his own striking and useful observations.

From the returns on the table it appears that the deficiency was greatest in the district of London, lying in the dioceses of London and Winchester; and in those of Chester and York: and he (the chancellor of the exchequer) would state the absolute deficiency in each, compared with the whole population, but subject to the observations he had just made. The population of London and its vicinity was 1,129,451; of whom the churches and episcopal chapels can only contain 151,536, leaving an excess of 977,915. This statement, however, excludes the City of London, in which there was a superfluity of churches, considerably exceeding what the inhabitants required. This not only arose from a diminished population, occasioned by the great proportion of space now occupied in the City of London by warehouses and workshops, but was also the case in all the other most ancient cities in the kingdom. In Norwich, Lincoln, and the other cities which existed under the Roman empire, the parishes are small and the churches very numerous, and originally of small dimensions, as appears from the few original structures which are still remaining: but in those towns which have been built or greatly enlarged in later times, and especially since the reformation, the case is very different. In the dioceses of York and Chester, the disproportion of population to the capacity of the churches, was little less than in the district of the metropolis. In the diocese of York there were ninety-six churches, which afford room for 139,163 inhabitants—the whole population amounted to 720,091, so that there was a deficiency of accommodation for 580,928. In that of Chester, there were one hundred and sixty-seven parishes, the churches in which would contain 228,696; but the actual population was no less than 1,286,702, leaving a deficiency of 1,040,006. The deficiency was therefore most striking in London and Chester, but it was very great in some other dioceses. In that of Winchester (part of which was comprised in the London district) there were thirty-seven parishes, of which the churches could receive 59,503; the population was 325,209, leaving a deficiency of 265,706; more than four-fifths of the whole number were therefore unable to find accommodation. In cases such as these, the impossibility in which the far greater part of the inhabitants were placed of attending divine service even once a day, was however by no means the only evil. There were many other most important functions of his sacred office, which it was impossible for any clergyman, however zealous and laborious, adequately to discharge towards a population of 40,000 or 50,000 souls, or even a much smaller number. He might instance (as Mr. Yates has most forcibly done) the sacrament of the lord's supper, and the rights of baptism, burial, and marriage. How was it possible for those ordinances to be celebrated in the solemn and impressive manner which their serious and important nature required, in the crowd and hurry unavoidably attending their perpetual and almost ceaseless repetition in such a crowded population? How even could due care be taken to avoid mistakes, and to guard against frauds and impositions affecting the most important civil rights of individuals. He might indeed almost say, that the reformation for which he pleaded, was not less important to the security of property and of the civil order of society, than to the higher considerations of religion and morality. To illustrate this part of his argument, he would take the liberty of reading one or two short extracts from the valuable work to which he had before referred.

In the first Mr. Yates gives an account of the performance of a Sunday's duty for a friend:

"I attended at the church at nine o'clock, on account of expected marriages, the service was once performed; then the full morning service, the rector preaching the sermon; after the departure of the congregation, the service for churching of women twice performed; afternoon, full service, prayers, and sermon; after which seventeen children baptised: then seven funerals performed, the burial service read over five times, concluding between seven and eight o'clock in the evening; the whole of which, except the morning sermon, I performed as the duty of the curate; and this was understood to be no more than the average Sunday employment.

The second instance is still more striking:

"There are, upon an average, from forty to fifty christenings every Sunday afternoon, besides christenings on the week days; and on some of the great festivals, as Christmas day, Easter day, and Whitsunday, there are generally from one hundred and twenty to one hundred and forty.

"On the first day of the present year, I myself christened ninety-three children. On the 6th of February of the present year, there were twenty-nine couples married. Throughout the whole of the present year, the banns of marriage published every sunday morning for the first, second, and third time of asking, have seldom been less than one hundred and twenty in number, on one occasion they were one hundred and fifty-six."

Such instances would give the committee an idea of the extent of the evil as it now existed, and he should proceed to state as shortly as was consistent with any clear view of the subject, the outline of the remedial measure which he had it in contemplation to submit to parliament.

He intended to propose a grant, to the extent of one million sterling, to be raised by an issue of exchequer bills, and applied as occasion might require, under the direction of commissioners, appointed by the Crown in a manner analogous to the operations of the parliamentary commission, established last year, to give encouragement to public works. He thought this plan preferable to an annual grant, because the commissioners would have a better guide in framing the regulations under which they would afford assistance; and the different districts requiring it, would be better able to judge of the propriety of making applications when the total extent of parliamentary aid was known, than if it had been left to annual grants of uncertain amount, and indefinite continuance. The distribution of this grant would require, at least, four or five years; and the sums raised in each might either, if parliament should so think fit, be made good in the succeeding years respectively, or in one total sum, at the close of the period when the whole should have been issued.

The measure proposed, was (except in respect of the mode of raising the money), similar to that in which a business of the same nature had been conducted in the reign of queen Anne, and of which an account would be found in the valuable work to which he had already so often alluded.

At that time, thirty-one commissioners were appointed by the Crown, on whom the whole of the general direction devolved. A tax was imposed on certain articles imported into the port of London, for the purpose of enabling them to carry into execution the building of a certain number of additional churches in the metropolis, and the sums raised were placed at the disposal of the commissioners, who were thus enabled to erect eleven churches out of the number intended.

The commission appointed in that instance, was instituted for local purposes; but that now proposed was intended to have a much wider sphere of operation. It was to take a general view of the wants of the whole kingdom, and in granting aid, would be regulated by a combined view of the extent and the population of the different parishes, the want of accommodation in the existing churches, and the ability of the district to bear the burthen requisite for supplying the deficiency. The public bounty ought only to be given in aid of a fair exertion on the part of the district: where the commissioners were convinced of the inability of the district to complete the undertaking of itself, they would interfere, but rather with a view to assist, than to support the whole charge. He had already observed, that, in many parishes, not only the population was too numerous, but the extent too great for the pastoral care of one incumbent. It was, on both these accounts, thought desirable, that in such cases a power should be given to the king in council, with the consent of the patron, to divide the parish with respect to all ecclesiastical rights, as well as spiritual duties, but without interfering with the management of the poor, or other arrangements of a civil nature. The consent of the patron must be obtained, because it was highly important, that in a great public improvement, there should be the least possible interference with private rights. In case, however, the consent of the patron could not be obtained, or if the commissioners should think the arrangement preferable, as in some cases they might do, it was proposed, that a power should be given to the king in council, to separate a district from a parish for spiritual purposes only; without affecting the ecclesiastical endowments, either of the present, or any future incumbent. It was, indeed, to be considered as a leading principle, founded in the strictest justice, that the existing incumbent should, in every case, be indemnified from the effects of any change: but, in the case in question, it is intended, that every future incumbent of the mother church shall preserve the tithes and endowments of his benefice entire, although the spiritual functions of a division (which, for the sake of distinction, may be called a district parish) may have been separated from it.

One or other of the arrangements, he had described, might be applied to those parishes, which, either from their extent or population, or both, it might be thought inexpedient to leave under the care of a single minister. There was, however, another class of parishes, some of them of considerable population, in which the pastoral duties might be thought to be most satisfactorily discharged by a superintending minister, with proper assistants, and with the addition of the requisite proportion of places of worship. In cases such as these, the commissioners might direct the building of parochial chapels, to be served by curates nominated by the incumbent, but so far locally attached to the chapels, in which they were to officiate, as not to be removable from them, even to a different district within the parish, without the consent of the bishop. Thus, each chapel would become a sort of minor benefice within a larger one, subject to the general directions of the incumbent of the parish at large, while that connexion and acquaintance would be kept up between the officiating minister and his congregation, which is so instrumental in giving full effect to parochial instruction.

The modes, therefore, by which the commissioners would effect the purposes of the act, were threefold:—

First, by the complete ecclesiastical division of parishes; secondly, by the district division of parishes, not affecting the endowments of the present benefice; and thirdly, by the building of parochial chapels. In one or other of these modes he hoped the requisite relief would gradually be obtained: but it would be obvious to any one who examined the returns on the table, that the greatest exertion of parochial funds and of private liberality, co-operating with the munificence of parliament, would be necessary to attain the object. He had already referred to the case of twenty-seven parishes, in each of which the excess of the population, above the accommodation of the churches, was above 20,000 souls. It might be estimated, that in these parishes alone, one hundred and fourteen additional churches, of dimensions sufficient to contain nearly 2,000 persons each, would be required to afford such moderate accommodation as to allow one-third of the inhabitants to attend divine worship at the same time. Looking to these and the other cases which appeared in the parliamentary returns, he apprehended that the commissioners would not be able to afford assistance to parishes containing less than 10,000 souls;—not that they would be precluded by any law or regulation from doing so; but that he feared such might be the effect of the insufficiency of their grant, large as it might appear at first sight. It was true, that in these estimates he had made no allowance for those members of the community who did not belong to the established church;—for, without meaning the least disparagement to the dissenters, or the slightest infringement of the liberty of conscience they so happily enjoyed, he thought that the church, which existed for the benefit of all, and derived support from all, was bound to afford accommodation for all: and he believed that a very large proportion of those who did not now attend the worship of the established church, had not voluntarily forsaken the church; but that the church, from an unfortunate train of circumstances, which could not be too soon remedied, had shut her doors upon them. To give to all such an opportunity of returning, must be the most anxious wish of every true friend of the church; and it was with great pleasure that he turned the attention of the committee to the assistance which might be derived in the furtherance of this great object, from the operations of a most excellent society lately formed, and which already comprised a large proportion of whatever was most respectable and dignified in church and state. In cases in which parishes, requiring assistance, might not come within the rules established by the commissioners, in enabling other parishes to bring themselves within the scope of these regulations, this society would lend its beneficial aid.

It would naturally be asked, from what fund the ministers, serving these new churches and chapels, were to derive their support? For this purpose, and also to assist in the repairs of the buildings, it was proposed that a moderate rent should be required from those persons who had the accommodation; and it was sufficiently proved by the example of the proprietary chapels in various parts of the kingdom, and especially in London, that from this source a very considerable income might be derived. It was, however, by no means intended that the parliamentary churches should be allotted principally with a view to the profit of pew rents; but that, on the contrary, a large proportion of the space in each of them should be reserved as *free seats*, for the accommodation of the poorer inhabitants.

With respect to another part of the subject, on which the committee would certainly expect some explanation,—he meant the patronage of the intended churches, —he should next state what was intended. The same principle of respect to private rights, which guided the other parts of the arrangement, would be applied to this. Whether, therefore, a parish should be divided wholly or partially, according to the arrangements he had before explained; the presentation of the new parish, or of the district church, would be vested in the patron of the original church. In the case of parochial chapels, the appointment would rest (as it now does by law) in the incumbent of the parish, who is spiritually answerable for the conduct of the whole. He believed that this arrangement would leave the general proportions of ecclesiastical patronage very much as they now exist. For instance, of the twenty-seven parishes already alluded to, he believed the patronage of four was in the Crown; of two, in the archbishop of Canterbury; of three, in the bishop of London; of one, in the archdeacon of London; of six, in colleges; of two, in chapters or lay corporations; in one, the incumbent was elected by parishioners; and the remaining eight belonged to private patrons. These twenty-seven parishes would, therefore, afford a tolerably fair specimen of every species of parochial patronage.

He desired just to touch upon a subject, distinct indeed from the present, but naturally suggested by it,—he meant the situation of the church of Scotland. It might be observed, that this church was also a part of our national ecclesiastical establishment, that it equally stood in need of assistance, and was equally entitled to parliamentary support, and ought to be included in the same measure of relief. He admitted that the church of Scotland had, in proportion to its wants, equal claims to national support; and he believed parliament would feel equal readiness to come to its assistance: but the forms of church government in Scotland were so different from those of England, that to attempt to embody in the same act of parliament, the provisions applicable to each, could only lead to embarrassment and confusion. The case of Scotland had not, however, been overlooked by the government, and he hoped shortly to bring before the House a proposition upon this subject.

He concluded by observing, that he considered the question he was about to propose, as one on which no party feelings could arise, but which must be interesting to every friend of virtue and religion. It was a pleasing circumstance, and honourable to the character of the House, that such cases should arise in which they could all unite their efforts for a common object. He remembered an occasion (not, indeed, in the House, but at one of those meetings for a religious purpose, which so honourably characterize and distinguish the present age), in which he sat with his noble friend (lord Castlereagh) between two gentlemen, whom the House has since lost, of the most opposite political sentiments, but both of them eminently zealous in exertions of beneficence,—the late Mr. Rose and the late Mr. Whitbread. They had all addressed the assembly in succession, in a manner undoubtedly tinged with the peculiar character and sentiments of each individual, but in which no feeling of former differences could be discerned, nor any view but that of most effectually supporting the general object of the meeting. Such, he trusted, would be the feeling of the House upon the present occasion; and that whatever shades of opinion might appear, when the details of the measure came to be discussed, only one sentiment would prevail with respect to its principle; and that all would cordially unite in giving the national church that assistance which was necessary to enable it to provide effectually for the instruction and edification of the people.—The right hon. gentleman then moved, "That his Majesty be enabled to direct exchequer bills, to an amount not exceeding one million, to be issued to commissioners, to be by them advanced, under certain regulations and restrictions, towards Building, and promoting the Building, of additional Churches and Chapels in England."

Captain *Waldegrave* approved of the general tendency of the resolution. He wished to take that opportunity of remarking, that the monuments in St. Paul's church seemed to be very much neglected. They were, he believed, seldom or never cleaned. Many were then completely covered with dust. He wished that some small fund might be established to prevent this inconvenience in future, and to pay persons who might keep those monuments of public gratitude in proper order.

General *Thornton* said, the proposed measure had his full approbation. He thought it would be productive of the greatest advantages. He wished that in place of any other monument, a church might be erected in memory of the victory at Waterloo.

Sir *Charles Monck* thought it most desirable and expedient that the large part of our population, now unprovided for, should obtain accommodation. But he thought the good effect of this would, in a great degree, be defeated, unless the manner of performing the service in our established churches underwent considerable modification. Nothing was more likely to reclaim the Dissenters—he did not speak this in an invidious sense—to the established church, than an alteration in the manner of performing service. Without some modification, he was afraid little moral and religious improvement could be expected from additional churches. When he considered the state of things in those parts of the country where there was a want of accommodation, and adverted to the state of morals and religion in those parts of the country which were most splendidly endowed, he was led to entertain considerable doubts as to the benefit which would be derived from new churches, without some farther change. In those parts of the country in which the population had increased most of late years, churches were scarce; but there were many parts of the country where the population was very large in old times, greater indeed than it was now. In Norwich, for instance, there were 39 parishes, while, by the last returns, the population was only 38,000. Was Norwich, with this ample provision of churches, a comparatively moral and religious town? He recollected that Durham had also many churches, yet the population was only from eight to 10,000; whereas Newcastle, a very large town, had not above four or five churches. But he had never heard that Durham was more remarkable for morals than Newcastle. In travelling over England, he believed it would be found, that where there were most churches, the people were far from being the most exemplary in their morals. The churches were formerly open at all times, as they were now in foreign countries, and the people were always going to them. There ought to be some modification in the manner of performing the worship—it ought to be more frequently performed in a day. He thought, also, they ought to take into consideration the present endowments of the church, and see whether there was not a large proportion of them employed in a manner not at all calculated to promote the interests of religion,—whether the revenues of prebendaries, &c. might not be applied to the purpose for which money was now asked from the nation at large? Nothing ought to be taken from the nation till an investigation into these things showed the necessity of the measure. He was unable to see why they should at once take one million, and no more. When they entered on this business, they ought to make up their minds to bear whatever was requisite. What was the reason of the proceeding of the right hon. gentleman he knew not, and he wished to learn why they were to decide at once that one million was to be the sum? Why so much as one million, or why no more? Some consideration as to the exact sum, he thought, should take place. He must also say a word as to where the money was to come from. He did not exactly know what there might be to spare in the church establishment; but he did not like to see the whole sum taken from the nation at large. He would much rather have had the right hon. gentleman come down to the House with a proposition for providing, in each county, some board of commissioners, or some tribunal that might have made a proper representation to parliament, and have stated that the population were too numerous for their churches, and they were willing to provide some portion of the expense of erecting others. He would rather have had the money raised in such a manner, than from the whole nation, when it would of necessity be applied only to a particular part. The main application of the money would be to the metropolis, when the whole nation were required to contribute to its payment. He wished to know whether there would be a pew-rent in these new churches? At present that system excluded great numbers of the poor. He approved, however, of the object of the measure generally, and of many of the provisions which it was proposed to introduce into the bill.

Mr. *Gipps* wished to know, whether it was the intention not to extend the bill to any parish in which the population was less than ten thousand.

The *Chancellor of the Exchequer* said, that the present calculations induced a supposition, which made it very improbable that parishes of a less population would require any portion of the grant. He had omitted two points: first, as to a provision for the new clergymen; that would probably, in a great degree, be supplied by the produce of pews: secondly, as to the more frequent performance of divine service. In all the churches to be built under this act, it was to be provided, that divine service should be performed three times a day; and it might probably be deemed expedient to extend the like provision to churches already built.

Mr. *Warre* wished to know, whether the plan in contemplation would increase the number of incumbents?

The *Chancellor of the Exchequer* said, that the increased number of parishes and churches would of course increase the number of incumbents.

Mr. *N. Calvert* said, he did not approve of that division of the parts of our church service the right hon. gentleman had seemed to describe.

The *Chancellor of the Exchequer* said, it was not intended to divide the church service, but to have the whole service oftener performed.

Mr. *W. Smith* said, that in some of the northern parts of the country the parishes were so extensive, that the people were prevented from attending at their parish churches. There were some parishes in Scotland not less than forty miles long. He knew one in which the church was thirty miles distant from some of the inhabitants. As to the moral returns alluded to by the hon. baronet, they could not be easily procured. With respect to Norwich, if such a return was brought forward, he had no doubt but it would be honourable to the inhabitants. There were in that city 36 churches, besides a number of large chapels belonging to various sects of dissenters. He wished to know whether it was intended to extend the operation of this measure to Scotland.

The *Chancellor of the Exchequer* said, the hon. gentleman would immediately perceive, that the principles upon which the church of Scotland was conducted, differed so much from those which regulated the established church, that the same provisions could not be applied to both. At the same time, his majesty's ministers had not overlooked the situation of the church of Scotland, and felt no disposition to object to a separate proposition for that part of the united kingdom.

Dr. *Phillimore* perfectly agreed with the right hon. gentleman as to the great importance of the subject. The plan of dividing parishes was most material; it would give the inhabitants of those places a better opportunity of attending divine worship, and it would afford them the advantage of the more immediate pastoral care of the several incumbents. With regard to patronage, the right hon. gentleman had pointed out the only proper mode of its being regulated, and he most completely agreed with him.

The resolution was then agreed to.

TITHE LAW AMENDMENT BILL.] Mr. *Curwen* moved the second reading of the Tithes Law Amendment bill. In making that motion, it was not his intention to say more than a few words. Considerable misunderstanding had taken place with regard to the bill. He disclaimed entirely all intention whatever of invading the property of the clergy. After the past discussions on the subject, some prejudices had arisen against the bill, which would not, he was confident, exist after its provisions and intentions were well understood. The question was not whether any thing was to be taken from the church, but whether the church had a right to take what never properly belonged to it? It was not his intention to attempt in any way to injure the clergy, but it was his wish that justice should be done to all parties.

Sir *W. Scott* said, he had the strongest objections to this bill, and in particular to the clauses which went to disturb the settled system of law, as it had been laid down by chief baron Comyns, and other eminent authorities. The right hon. and learned gentleman then explained the policy of the 13th of Elizabeth, on the subject of what were called real compositions on tithes, and also on the act of Richard 2nd, relative to moduses, and showed the distinction between each. It was, he said, the object of the hon. gentleman's bill to shut out the church from tithes, where they were not claimed within living memory. He could not agree to such a proposition as this, for it would at once set aside the necessity of producing that documentary evidence, which ought to be adduced on such an occasion by the landed proprietor. This evidence was surely to be procured, as all tithe compositions were recorded in the bishop's registry. There was, then, no necessity for setting up common usage against contracts so registered; and if the House were to adopt the plan, it would be at once a virtual repeal of the statute of Elizabeth. Besides, the hon. gentleman's plan went to make moduses the same as compositions, and to break down the marked distinction between each. The next class whose interests were taken up in this bill, were the lay impropriators, and yet no evil was shown to exist at present relative to their interests. The object was here to appoint, in every disputed case, commissions to be issued for ascertaining the precise parochial boundaries in litigation. There was no reason for such a provision, and it was, like the other clauses, wholly uncalled for. He thought it extremely dangerous to make any alteration in the state of a property most sacred in law, and peculiarly and essentially connected with the welfare of the community. He objected to all the clauses, and was persuaded that the bill would put clergymen in an extremely disadvantageous situation. On the grounds he had stated, he should move, by way of amendment, "That the bill be read a second time this day six months."

Sir *Samuel Romilly* said, he approved of the principle of the bill, though, perhaps, some of the clauses in it might be capable of improvement. Nothing could be more unjust than to represent the bill as an invasion of property, or as calculated to promote litigation. Its object was, and its effects would be, to secure property, and prevent litigation. It would secure property on the safest and most widely admitted principle, that of length of possession. He deprecated, as much as any man could, any attack on the property of tithes; they were as much property as any other species of possessions; and the clamour against them as being mischievous was, as far as it impugned such property wholly unwarrantable. A purchaser might as well say at once, that because he had paid for nine-tenths he had a right to the whole. But this bill would settle property, and secure claims. It might have been originally inconvenient that real compositions should be made; but the statute of Elizabeth, passed to prevent, could only be prospective; and yet the courts of justice had done on this head, what the legislature could not do, by insisting on the production of the deed itself. The statute of Elizabeth never meant to set aside compositions previously made, though the deeds that attested them were extremely rare. The courts, however, required the production of the deed in this case, after a lapse of more than two hundred years, though it did not in any other case of equal duration. As to the improvidence with which these compositions had been made, that was a good reason for passing a law to prevent them for the future; but none for setting aside those already made, or doing that which was not done with regard to any other species of property. If a purchaser bought property because it had not paid tithe for two hundred years, and the clergyman preferred a claim, the purchaser must still show a modus as old as Richard 1st, or that his land had been abbey land, or produce a composition deed, though he bought the property, relying on the non-payment for such a length of time, which would have been a sufficient exemption from demand in any other case. As to the right hon. gentleman's quotation from baron Comyn, "What hardship was there in obliging an individual to preserve his deeds?" there was no hardship in this as to a single individual; but through a long succession of possessors and the lapse of centuries, it was often absolutely impossible. No man could guard against the effects of fire, civil commotion, &c.; but here, unlike all other property, in which length of time improved the title, the claim rendered was more doubtful and more endangered by every hour that elapsed. No innovations would be made by the bill on the tenure of lay impropriations, for what Henry the 8th gave to his courtiers, he gave subject to all the conditions originally attached to it.—The clause on farm moduses was especially called for; for in the present division of property, if a modus was ever so well established, and the limits of the farm over which it extended could not clearly be traced, the whole modus was avoided. The right hon. gentleman had contended that the clause with respect to lay impropriations would interfere with the whole system of tithes, but if it appeared that lay impropriations were under the present regulation, a manifest injustice, they should remove that injustice, and not be deterred by the apprehension of mere speculative disadvantages. There might be many objections to the bill as it now stood, but to dispose of such a bill on the second reading was in effect to say that they would not consider it. He agreed, that the property of the church should be held sacred, but the best way to accomplish that object would be to provide that it should not be rendered an instrument of injustice. The House should at least go into a committee to consider the various clauses of the bill.

Mr. *Wetherell* said, he was sorry to differ from his hon. and learned friend as to the effects which the bill then before the House was likely to produce. He was not one of those men who thought that an abuse should be allowed to continue merely because it was of long standing; on the contrary, he agreed with his hon. and learned friend, that whatever time such abuse might have existed, it ought to be corrected when pointed out. But before an alteration of the nature proposed was made so important a branch as that of the church revenue, he thought it was necessary to make out a very strong case indeed of the necessity of such alteration. In looking into history, however, he could not find a single instance where injustice was complained of under the existing system of collecting tithes. In looking over the bill, and he had looked most carefully over it, he could not find more than one clause which he thought likely to be of service,—he meant the clause which provided against a clergyman holding the lands given in composition for certain tithes, and at the same time enforcing the payment of those tithes. He did not object to a remedy being proposed on that point, but he thought it would be going too far to consent to nineteen objectionable clauses for the purpose of adopting one beneficial one. Any person wishing to prove that his land was exempted from tithes would be obliged to prove one of two things; he would be obliged to prove it by the production of the deeds by which such exemption of tithes took place, or else he must give reasonable proof that such deeds had existed. Before any land could be legally exempted from tithes, one of those two things must be proved. But by the bill, all that was necessary to prove such exemption, would be an assertion, generally, that such deeds had at one time existed. Nay, more, one clause went so far as to make it necessary for the clergyman to prove that no such deeds had existed. How far was such a clause consistent with justice, or with the security of church property? The hon. and learned member then went through the several clauses of the bill, and pointed out what he conceived to be the injurious tendency of each. The bill, he observed, would, instead of producing beneficial consequences, only serve to introduce confusion, disorder, and injustice into the system of collecting tithes. His hon. and learned friend had said, that land-holders or purchasers of land were likely to be injured by the uncertainty which existed in the payment of tithes. This he would take leave to say was not the case. The first question asked by any person about to purchase land was, whether it was tithe free, or how it was situated with respect to tithes; whether the tithes were paid by composition, by moduses, or in what other manner. No injury could therefore be sustained on that point. Taking the bill in every point of view, he thought it would injure instead of amend the present mode of collecting tithes, and he should therefore vote against it.

Mr. *J. H. Smyth* objected to the bill. Its provisions, he conceived, were of a most injurious tendency, as they regarded the protection of church property. According to one of the clauses, every payment of tithes, whether by composition, or by modus, would be valid, provided no arrangement to the contrary took place during the life of an incumbent. But if one clergyman was to give up the tithes of his district, or to enter into a trifling composition for them, was the church to be deprived of its property on that account? He thought such a principle would be destructive to the whole system on which the church was supported. Here was a bill that went to legalize an *ex-post facto* operation. He conceived that sufficient ground had not been made out in support of the bill, and therefore he felt it his duty to oppose it.

Mr. *Brougham* began by recalling the attention of the House to the question on which they were about to decide, if they agreed to the right hon. gentleman's amendment. It would be a resolution absolutely to admit of no arrangement whatever for quieting men's possessions against the claims of the church. The arguments used by all who had opposed the bill were confined to its particular provisions. But he asked gentlemen if they were prepared to say, that no time, however long, should bar those claims? Men might differ as to the best mode of fixing the limitation. It might be advisable to adopt a longer period than sixty years in order to meet one objection. Another might be got rid of by annexing the farther condition of three incumbencies, as was proposed by Mr. Justice Blackstone, and as had also been proposed in the bill of 1772. It might even be agreed that the time and succession of incumbents taken together should not be a bar, but only throw the proof upon the church; or the plan of the present bill might be adopted, that the proof of enjoyment, as far back as living memory could go, should be a *primâ facie* evidence in favour of the owner, liable to be met by contrary proof on the part of the church. But the gentlemen opposite reject all periods and every kind of limitation; and he contended that the House should not listen to them, unless it was satisfied that no measure for quieting such possessions could safely be adopted. The right hon. gentleman who moved the amendment had not fallen into the same errors with some others (Mr. Wetherell and Mr. Smyth) respecting the argument. They had represented this bill as fixing thirty, and even seventy years as a period, the enjoyment during which should exclude all claim of tithes. No man meant this when he spoke of living memory. Witnesses must be called to carry the possession back as far as the recollection of old persons could go. Nor would any judge, who might try such an issue, let the cause go to a jury, or call on the opposite party for an answer, if it rested on the testimony of persons who only spoke of twenty or five-and-twenty years back. But the right hon. gentleman had met the question more fairly; and feeling the point that pressed him, he had maintained that the church was in a different situation from all other properties—reminding the House of the risks of collusion between patron and incumbent, and of the possible length of incumbencies, as lord Coke had said that in his part of Norfolk two successive rectors continued in possession for above one hundred years. It is, however, not enough to say there is some difference in the situation of the church, or that extraordinary circumstances may occur to render collusions possible, unless it can be shown that there is a probability of such things recurring, and unless it can also be proved that the situation of the church is so extremely different from that of all other properties.

as to put every kind of limitation out of the question—checks may be desired to prevent the collusion. The control of the ordinary may be superadded, the period may be extended, and if three or four incumbencies are joined to the lapse of time, the probability of successive collusions during a change both of parsons and patrons becomes extremely small. The change of patrons was a most material consideration in this view, for each collusive bargain made by the parson might then be expected to expire, there being no interest on his part to renew it with the succeeding patron. He asked, whether the House was prepared to say, not only that church property was peculiarly circumstanced, but that it was so completely different from all other property, that it never could be left to the legal protection which was deemed sufficient for every other kind of right? The right hon. gentleman had frequently described it as most sacred, and had dwelt on this expression; if he meant very sacred, he was not at all disposed to deny it. But if he meant to speak in the superlative degree, as instituting a comparison with the sacredness of other property, he must deny the justice of the expression, or say, that to him it was unintelligible. He admitted the rights of the church to be as sacred as those of other property —when he said they were rights of property, it was enough, for all property was in some sense sacred; it was not to be touched unless the public good imperiously required it; and the legislature always held, that the rights of individuals were to be respected, and never to yield unless where the necessities of the whole community demanded the sacrifice; in which case they every day were interfered with. That parliament had repeatedly legislated upon the rights of the church, was a matter of notoriety in every part of the united kingdom. He did not go to Ireland only for examples: he would not cite the famous vote of the Irish House of Commons against tithe agistment, as subversive of the Protestant interest; but if the act of the Irish parliament abolished that tithe, he did not feel himself at liberty to speak with the same disrespect, not only because it was brought in by the noble lord (Castlereagh), but because it was an act of the whole legislature. It proceeded, too, somewhat like Henry 8th's statutes dissolving the monasteries, upon a preamble that the claim had been for a long time abandoned. A better precedent was to be found in Scotland, where a most religious prince, the fast friend of the church, and one whom the church, on her part, regarded with peculiar favour, Charles 1st had immediately, on coming to the ancient crown of his family, carried through a measure for the universal abolition of tithe, commutation, and sale. But this measure, how beneficial soever it had proved for Scotland, he did not cite as an example for this country, where any such violent change was quite out of the question. He only gave it as a specimen of the interference with church rights, which parliament had from time to time sanctioned. In England it had also dealt with them for the public weal—to promote agriculture it exempted newly-cultivated land, in Edward 6th's reign, from all tithe for seven years. In the reign of king William it fixed the tithe of hemp and flax at a certain small sum in money; and just before the present king came to the throne, it made a similar regulation for exempting madder from tithe. He called for no encroachments; he only asked, that when the plain interests of the community, and the quiet of men's possessions required it, the House should not deem itself precluded from legislating, because the church was in question. He verily believed the interests of the church itself, and those of religion, required it as much as those of the lay proprietors. The same arguments which are now urged against limiting the church, had been used against the Nullum Tempus bill respecting the Crown. The church, too, it might be remarked, was the first author of the statutes for limiting the Crown. The maxim, that no time should bar the Crown, was first objected to by the church, with whose quiet it was found to be incompatible. Lord Coke, whose authority was relied on so much, finds no epithets severe enough for the concealors in those days; he calls them gluttons and harpies —but it is "templorum helluores"—they swallowed up the church property by availing themselves of the dormant claims of the Crown. As soon as the church took the alarm, the first bill for limiting the Crown passed in the 39th of Elizabeth, and it was confined to securing the diocese of Norwich against such claims. In the next reign, the more general measure was brought forward; but it was met, as the present bill is, with many arguments on the danger of limiting the Crown. The Crown property, it might be said, is held in trust for the benefit of the state. The king does not himself superintend its management; he confides in persons who have no permanent interest in it: favorites whose interest is not only different from, but opposed to, that of the community, may obtain possession, and keep it by connivance of the prince and his advisers; and thus the Crown may be despoiled of the property vested in it for the benefit of the commonwealth. All such arguments, perhaps more applicable to the case of the Crown than of the church, were urged in vain, both in James 1st's time, and against the more effectual measure of 1769. After much opposition, both from the sovereign and in parliament, the first bill passed, and the 9th of George 3rd was again carried through parliament after ample discussion. Placing the claims of the Crown upon the same footing with those of every other person; and giving the subject the same perfect security against the Crown, as he enjoyed against all others except the church, it was only just and reasonable that now at length the same principle, modified in its application according to the circumstances of the case, should be extended to the church itself. The gentlemen on the other side, were apt to forget the origin, and the history of property in tithe. He did not mean to mention the early division of them, by which at first a fourth and afterwards a third alone, were enjoyed by the rector. But it might be observed, that for many ages they were held by the church upon conditions, from which the lapse of time and the provisions of the legislature had wholly relieved it. One condition was, the repair of the whole building of the church; this by the common law, is now confined to the chancel. Another condition was, the maintenance of the poor, now thrown upon the landowner. Nor was this last condition confined to early times. As late as the end of the 14th and beginning of the 15th century, there were express provisions for setting apart a yearly sum out of the tithe to support the poor of the parish, as often as any rectory was appropriated. The statutes of Richard 2nd and Henry 4th required this provision to be made, as well as that for a vicar; and it was the condition, *sine quâ non*, of every appropriation. This continued to be law, as long as appropriations were practised. Blackstone considers (in which opinion he has not perhaps been followed) that an appropriation may still be made. If it is, it can only be effected legally by a compliance with the statutory conditions of endowing a perpetual vicarage, and providing permanently for the support of the poor. The residence act of Henry 8th proceeds upon a statement, that one of the chief duties of the rector is the support of the poor, and the keeping of hospitality. This principle runs through its whole provisions; and also through all the decisions upon it, down to the time of lord Mansfield. Nor can any weight be given to the opinion of those who question the position, that the maintenance of the poor formerly devolved on the church and the monasteries, and who vouch for this from sixty years having elapsed between the dissolution of the religious houses and the 43d of Elizabeth—for it is well known, that no less than ten statutes for the relief of the poor were made between those two periods; one of them the same year that the lesser monasteries were dissolved. Now, when the church has gained so much by lapse of time; when the change has been so great in its favour, that it now, and for many years past, has enjoyed its tithe and lands wholly unfettered by the conditions under which they were first given, and for so many ages held, surely it is not asking too much to require the adoption, upon the other hand of such regulations as may communicate to the land owner something like a secure and quiet enjoyment of his property. The burdens formerly annexed to church property are, by usage and positive law, indisputably made to rest on the owner of land. He only asked, that the course of time and events might be suffered to complete the security of his tithe, which he takes with all its burdens, new and old. He counted it a grievous mistake to complain of innovation in this question and on the church. The truth was, that they on his (Mr. B.'s) side of the question, had alone the right to make such a complaint. Every year changed the period of limitation (such as it was) in favour of the church; for every year carried us farther away from the 1st of Richard 1, and the 13th of Elizabeth. There was a constant change going on in favour of those who cried out against alteration, and against those who desired that rights and titles should be fixed in security. What, he asked, was to draw the line, and prevent this innovation from going on any longer, until it rendered every thing like certain, and quiet possession impossible.—He had only applied himself to answer the arguments brought forward professedly in behalf of the church, and as he thought really contrary to its true interests. But nothing whatever had been urged in defence of the lay impropriator's right to hold his tithe free from all limitation. To his case none of the arguments had any application. Indeed, the right hon. gentleman had almost admitted this, although he endeavoured to set up something like a claim on the part even of the lay impropriator, by asserting that every thing which affected the right to tithes, in whose hands soever it might be, indirectly, if not immediately injured the claims of the church. To this, he should only say, that it proved too much; for tithe was not the only kind of property enjoyed by the church. It was richly endowed also with land; and the right hon. gentleman might, therefore, just as reasonably contend that there should be no limitation to claims of real property generally in laymen, because the kindred rights of the church to its real estates might suffer consequently. This kind of argument, he could not help thinking somewhat refined, and even fantastical. It betokened no great solidity in the distinction taken upon tithe property. Indeed, he conceived the case of the lay impropriator to be abandoned by the antagonists of the bill. Hence alone, if there were no other reason, he should have expected the bill to be at least sent to a committee. His learned friend (Mr. Wetherell), had defied them to produce any authorities in favour of their principle. He had already referred to Mr. Justice Blackstone, no great enemy to the establishment, and no very rash reformer. But he should now cite another, still higher name among the friends of the existing system, and the adversaries of all innovation—he meant Mr. Burke—who had strenuously supported the bill of 1772, for quieting men's possessions against the claims of the church—and these were his words—" This is to take nothing from the church, but the power of making herself odious. If she be secure herself, she can have no objection to the security of others. I heartily wish to see her secure in such possessions as will enable her ministers to preach the gospel with care, but of such a kind as will enable them to preach it with full effect, so that the pastors shall not have the inauspicious appearance of a tax-gatherer."*—This, too, was his (Mr. Brougham's) earnest wish. Among the causes of irreligion or lukewarmness, and ecclesiastical feud and schisms, he believed none to be so prominent as the disputes which arose out of tithe: and of these disputes by far the most irksome to both the parson and the land owner, were those which grew from the insecurity of possessions, and the liability to be disturbed after long enjoyment. He wished to see the ground of these for ever removed, that nothing but peace and harmony might prevail within the sacred precincts of the church, and that the pastor and his flock might live in uninterrupted concord.

Mr. *Peel* declared, that he should not have trespassed on the patience of the House, by opposing the bill in its present stage, had not the hon. and learned gentleman thought proper to allude to the sentiments of his right hon. friend. The hon. and learned gentleman had objected to the words, " most sacred," as descriptive of the patrimony of the church. Perhaps there might be some difficulty in such an application of the word, but at any rate there were peculiarities in the property of the church which distinguished it above all property that ranked as secular. It was set apart for the support of the ministers of religion; and although he would not insist on this point, the House must be so far aware of the importance of religious instruction to the community as to respect the maintenance of those who imparted it. It was greatly to be feared that the tithe-holders formed the majority in opposition to the claims of the church. With respect to the hon. member's bill, he must say, that in his opinion, it was the most extraordinary that could well have been framed, considering the magnitude of the subject. The preamble did not even state the grounds and objects of the bill; and if the hon. mover should withdraw the first paragraph, which he seemed disposed to do, it would declare any thing, except the matters to be enacted by it.

The House divided: For the second reading of the Bill, 15; Against it, 44: Majority, 29. The Bill was consequently lost.

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* See New Parliamentary History, Vol. 17, p. 307.

HOUSE OF COMMONS.

Tuesday, March 17.

MOTION RESPECTING THE RIGHT OF MAGISTRATES TO VISIT COUNTY GAOLS.] Lord *Folkestone* observed, that pursuant to his notice, he rose to move for leave to bring in a bill to remove certain doubts, supposed to exist, as to the right of Magistrates, to Visit Common or County Gaols, under the act of the 31st of the present reign. Whether it was thought by some, that such a power should exist in the magistracy—whether it was thought, by others, that such power should not exist, or whether it should exist in some cases, and not in others—all, he should suppose, would agree as to the propriety of having the law on the subject clear and explicit, and no longer capable of doubtful or forced interpretation. As the object of his motion was to settle the question, he could not expect any opposition. Certainly, the bill which he should feel it his duty to introduce, would give to the magistracy of the county the right to visit common gaols. But if the gentlemen opposite did not wish to afford that right, or to limit its exercise in certain cases, it would be open to them in the committee to submit enactments to those purposes. That doubts now existed on the subject was undeniable, and his great object was to put an end to them. The House had in its recollection, that during the last session, he had submitted a motion to its consideration, relative to the refusal given to the magistrates of Berkshire, who wished to visit the county gaol.* That motion having been refused, he had preferred an indictment against the gaoler of Reading. The verdict of a jury had since acquitted him. With respect to that verdict, having himself attended most minutely to the trial, he must say, that if the charge of the judge who presided did not actually direct, it bore so strong to the one side as to lead to that verdict. He felt that he would not have discharged his duty to the country, if he had not complained of what fully and solemnly struck him as the partiality of the judge—not a personal partiality, but a marked partiality to one side of the question. This impression of his conduct, he felt at the time—he felt it the stronger the more he considered it, as being demonstrated in the whole of the summing up. Though it was a question, on each side of which, it appeared to him a great deal might be advanced—though it was a subject the most removed from any very decisive opinion, yet it was remarkable, that the learned judge who tried it, who confessedly had turned his attention to it, had consulted authorities, yet could not find any one argument, but what bore on the one side. He verily believed, that on any question where the government was the one party, and himself the other, he should not stand a chance of a verdict. If he had mistaken, or mistated any thing, the gentlemen opposite were in possession of the documents, and might correct him. The whole appeared to him to hinge upon the statute of the 31st of the king, and upon a particular clause in that act, namely, the fifth clause. The act in question was intituled, "An Act for the better regulating Gaols and Places of Confinement," and the point to be considered was, did the act or did it not, refer to gaols? The preamble of the act was stated in words which were very equivocal, but it must be a forced construction upon them to suppose, that it was not meant to refer to gaols as well as to other places of confinement. The four first clauses were solely confined to houses of correction and penitentiary houses. The fifth clause referred to the gaoler's fees, and expressly spoke of sheriff's officers. The eleventh clause manifestly and clearly referred to the common gaols and to the sheriff's gaols. The eighth clause directed the keepers of common gaols, and also the governors and keepers of common penitentiary houses, to make returns on the first day of every assize, which returns were to be signed by the visiting magistrates appointed in the manner thereinbefore mentioned. He should like, then, to know, by what act of parliament gaolers had a right to prevent the visiting magistrates from entering the common gaols, when it was a duty incumbent upon them at certain times so to do? To explain this, he supposed he should be referred to the 24th of George 2nd, and to the 19th of the king, c. 74. The act of 1791 was passed upon contemporaneous usage, and grounded on the practice of all similar occasions. At the late trial, a portmanteau had been produced stuffed with warrants (which certainly had a good stage effect), from the year 1660 down to 1817. The lieutenant of the tower was called upon to bring them forward, and it was true that all of them directed, that the persons committed should be kept in safe and close custody. He was perfectly ready to admit, that the secretary of state always committed to safe and close custody. The reason for this was, that it was the duty of the gaoler to keep the person safe and close, and no fault could be found with the mittimus for directing him to do so. What then was gained by producing any number of warrants? It was not the meaning of the warrants that the persons should be kept in solitary confinement. He would not state this upon the simple authority of the English language, but he would cite lord chief justice Coke upon the subject. The words were *sub salva et arcta custodia*, and this was translated, safe and close. A person might be in *salva custodia* while within the rules of the King's-bench prison, and might be in *arcta custodia*, when within the walls of that prison, though perfectly free to communicate with whom he pleased. In the State Trials in the time of king William, in the case of Cooke and others charged with high treason, application had been made by the friends of the parties for access to them when in gaol. That application had been complied with, and their friends had been allowed access to them under certain restrictions. He (lord F.) had made inquiry as to the practice upon former occasions, and had found that since the year 1791, it had been the practice of magistrates to visit the prisons, and that no instructions of the same nature with those recently given had been delivered upon former occasions. The act of king William, which allowed the benefit of counsel to persons charged with high treason, had also provided free access for the counsel to the prisoners; and by a subsequent act of parliament magistrates had also been allowed to visit the prisons. Upon the recent trial the court had only said that the case was attended with doubts, as to one of the rights of the magistrates in the visiting of prisons. Upon a former occasion much had been said as to the prerogative of the Crown and of the gaols being the king's, which did not seem to him to bear upon the point. The act of the 31st of the king was the first of a series of acts, when the gaols began to be more attended to than they formerly had been; and should the magistrates be prevented from visiting the gaols, things would fall back to their former state. The noble lord concluded with moving, "That leave be given to bring in a bill for removing Doubts whether Magistrates may visit Common or County Gaols, not being Houses of Correction."

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* See Vol. 36, p. 1025.

The *Attorney General* expressed the astonishment which he had felt at hearing the noble lord in the House of Commons accuse, in plain terms, the learned judge who had tried the cause in question, of partiality. It was impossible that any man, exercising the functions of that high office in the state, could have a more serious charge brought against him, for it implied every thing that was base and unworthy. If an individual, who had sworn to administer the law with strict impartiality, lent himself to any purpose, political or otherwise, he did that which ought to subject him to universal reprobation. Although he (the attorney-general) was not present at the trial, he had the most accurate information of all that had passed; of the patient and laborious attention, without any interruption, on the part of the judge, to the learned and ingenious, though fallacious statement of the noble lord's counsel, and to the evidence in every point of the noble lord himself (in which evidence there were certainly very extraordinary parts, although he had not the slightest idea of insinuating that they were not founded in truth), as well as the patient and laborious attention which he gave to the statement on the part of the defendant. And this last he supposed the noble lord would not deny, that the learned judge was bound more especially to do, when a man was charged with a crime (whether by the noble lord or any one else), who had (he spoke it parenthetically) been punished already on *ex parte* evidence, by the magistrates of the county in which he was faithfully discharging the duties of his station. If ever there was an individual entitled to call on a learned judge for protection from the prejudices excited against him, the defendant was assuredly the man. When, therefore, the noble lord vented a charge of partiality against a learned judge, let him not be quite sure that he himself, at two successive quarter sessions, did not exhibit great bias, partiality, and prejudice; more especially when he and the other magistrates voted this person guilty before he was tried—a person placed undoubtedly in a situation of the greatest embarrassment and difficulty, having the whole—no, that would be an unjust accusation against the magistracy of Berkshire, but a large portion of the magistrates of that county pressing him on one side, and the orders of the sheriffs and the directions of the secretary of state pressing him on the other—a person too (he was sure there was no one who could contradict the assertion), who from the first moment of his appointment to the situation which he held, and during the whole of his previous life, had borne the highest character, and who, in the exercise of the functions of his office, had never been exceeded by any of his predecessors in his claims to the approbation of his superiors, to the respect of his equals, and to the gratitude of the unfortunate individuals who were committed to his custody. So far, however, was the learned judge from having manifested any partiality towards the defendant in this case, that if he (the attorney-general) might presume to find any fault with his conduct, it was, that he had not stated the law quite so strongly against the prosecution, as, in his humble judgment, he would have been warranted in doing.—The House would suppose, from the statement of the noble lord, that the question was, whether or not the magistrates (visiting or other) had the right of entering the gaol of Reading, for the purpose of visiting it? No such thing. The noble lord himself had visited it; and was told he might visit it again. That, however, he himself said, was not his object. His object was, to see if he had a right to hold communication with the state prisoners confined there. Although he (the attorney-general) admitted, that the statute of the 31st of the king was, in some respects strongly constructed, yet, in his humble opinion, there was not the slightest doubt, that the clause in question had nothing like the meaning attached to it by the noble lord; nor was such a construction ever put upon it until the noble lord's time. If, indeed, it was actually liable to such a construction, instead of opposing the noble lord's motion, he should feel it his duty to move for leave to bring in a bill to repeal the act. What! was it possible to suppose, that this or any other statute gave to any and all the magistrates the right of entering the king's gaols, and holding communication, when and how they pleased, with the prisoners confined in those gaols on charges of high treason? That all these common gaols were the king's, for the benefit of the state, was established, or rather recognized (for the establishment was too remote to be traced), by the earliest statutes. The sheriffs having been for a time dispossessed of their ward of these gaols, the statute of Edward 3rd restored things to their ancient footing. In the reign of Henry 7th, there was another statute of a similar description, in which those gaols were expressly termed "King's Gaols." What evils might not result from admitting the interpretation given by the noble lord to the statute of the 31st of the king? There had been, and there might again be, times of treason and rebellion, in which, on the question of a disputed succession, or on other topics, there might be a very divided opinion among the better orders of the community. What would be the consequence if the whole of the means of safety which the law had provided for the custody of persons accused of high treason, were in such times to be beaten down, because, by the existing statute, the magistrates had the power to visit the gaols, in order to see that they were in good repair and well conducted, and nothing farther, and by no means to hold such communications as those to which the noble lord imagined they were entitled? The ancient warrants for commitment to gaols, in the difference of terms which they exhibited, proved the distinction between persons imprisoned for other crimes, and persons imprisoned for high treason. In the one they were ordered to be kept safe, in the other to be kept close. Even in modern times, so lately as 1794 or 1796 (he did not remember which), a person was committed by the court of King's-bench on a charge of high treason and other offences, and the warrant directed that he should be kept safe and close, as to the treason with which he was charged; and as to the other matters with which he was charged, that he should be kept safe. The object of this close confinement was, to cut off that communication with others, which might promote the purposes of a conspiracy detrimental to the state. He humbly contended—nay, he confidently contended, that the learned judge was perfectly right in his construction of the law. Were he not so, he repeated that the statute ought to be repealed. He had the highest respect for the magistracy of the country. He was perfectly aware of the importance of their duties, and of the exemplary manner in which those duties were generally discharged. But to say that, because a man happened to be in the commission of the peace, he had therefore a right to do that which would be destructive of the prerogative of the Crown, and dangerous to the safety of the state, was to advance a proposition which never ought to be, and he was persuaded never would be, listened to by parliament. The noble lord had said, that previous to the statute of the 31st of the king, there were statutes empowering the magistrates to go to the gaols. Yes; but for what purposes? One statute gave the magistrates the power of white-washing the gaols once a year. Another gave them the power of repairing them, &c. But could any man contend, that such statutes as those vested in the magistrates the power of destroying the prerogative possessed by the Crown, of keeping prisoners, charged with high treason, in the way specified in the warrants for their apprehension? He objected to the bill proposed by the noble lord on two grounds. If it was meant to say, that there were any doubts as to the right of the magistrates to visit the gaols, for the limited purposes he had described, he denied that there was the slightest foundation for those doubts; and in that point of view, therefore, the bill was unnecessary. If it was intended to carry the measure a jot farther, and say that the magistrates should be allowed to do what the noble lord tried to do, he contended that bill would be most detrimental. He wished to call to the noble lord's recollection, that the unfortunate defendant in the cause, about which so much had been said (for unfortunate he must call him, standing in the predicament in which he had been placed), had told the noble lord, that if he would converse with the prisoners in his presence, he would not refuse to allow him to do so. On this, however, the noble lord himself called to that person's recollection the orders he had received not to admit the magistrates generally; and he then receded from his offer. Why did he state this? To show that the noble lord's object (it might be a meritorious one in his own opinion), was not to exercise the power which was actually vested in the magistrates by the statute of visiting the gaols, for the purposes therein distinctly specified; but to assert the right of the magistrates to destroy the prerogative of the Crown to keep in safe custody persons charged with high treason; to assert the right of the magistrates to access, intercourse, and communication with persons so committed to safe custody; a construction of the statute of which, until the noble lord fancied that it bore it, no one had ever thought it capable, or at least had ever acted as if he thought so. If the noble lord did not attempt to carry the right beyond the bare act of visiting and inspecting the gaol, the introduction of a bill was unnecessary; if he attempted to carry it a single iota farther, it would be most detrimental. If doubts had been shown to exist, with regard to the mere exposition of a cotemporary statute, he should think there was some ground for the proposed motion; but there could be no doubt whatever as to the object and meaning of the act of 1791; and the true question before the House was, whether it would suffer the prerogative of the Crown, as it existed under the ancient common law, to be destroyed by a proceeding of this nature. The act on which the noble lord relied, had passed in 1791, previous to times not only of danger and alarm, but of very great division of opinion on political subjects; and no such construction had by any human being, before the noble lord, been represented to be the true construction of the statute. He should oppose the introduction of the noble lord's bill, therefore; first, upon the ground that it was unnecessary, with reference to the meaning of the act of parliament; and secondly, that if adopted, it would be highly detrimental to the best interests of the country.

Mr. *Sturges Bourne* said, that after the able speech of the hon. and learned gentleman, he would not argue the law of the case, but would confine himself to the statement of a few facts. The noble lord had told the House that he went to the gaol at Reading, with a view to gain admission to the state prisoners confined there, and that having been refused admission, he indicted the gaoler in consequence. But the noble lord had not told the House another circumstance, which, if true, was a most important feature in the case. And here he would observe, that that evening was the first time since he had sat in that House, that he had heard an attack on a learned judge, not in the shape of a charge which that learned judge could answer, but in a speech which he could not answer, of the most serious description, imputing to that learned judge direct and gross impartiality; nay, farther, declaring, that if he had a cause in which government were the other party, he was convinced that, whatever might be the merits of the case, the verdict would be given against him. Now, when such an accusation as this was preferred against an individual filling so high an office in the state, it was worth while to inquire whether or not the noble accuser himself stood *rectus in curiâ.* The noble lord had not stated what he understood had occurred, although he could not believe it; namely, that at the quarter sessions for Berkshire the noble lord persuaded the majority of the magistrates to punish a man first by turning him out of the office which he held, and then to bring a prosecution against him. Nor was that all. He had been told, that the noble lord and his associates were not content with the usual publication of the resolutions of the quarter sessions, with the names of the magistrates passing them; but that while the trial of the individual in question was pending, they caused the insertion of the resolutions of the magistrates of Berkshire, pronouncing him guilty of the charge on which he was about to be tried, in the county newspaper. Nor was that all. He had been told, that to those resolutions were attached, not only the names of seventeen magistrates who voted for them, but the names of thirteen other magistrates who voted against them; and this he repeated, pending the trial of the person charged. He hoped the noble lord would say that he had been misinformed, and that all this was not so; for he must declare, that so complete an instance of partial and prejudiced proceedings no man ought to believe, unless it was stated in that House, and not contradicted. If, however, it should turn out, that such had actually been the case; if the noble lord had really been a party to the acts which he had described; the noble lord might make what speeches he pleased in favour of liberty in that House, but with such facts before them, all must be of opinion that his practice was wholly at variance with his professions.

Sir *F. Burdett* was not well acquainted with the merits of the case, but wished to say a few words on the question. As to what had fallen from the hon. gentleman who had just animadverted so freely on his noble friend, he had no doubt that when his noble friend came to reply, he would answer the hon. gentleman's statements very satisfactorily; for he was so confident of the candour, fair dealing, and good sense of his noble friend, that although comparatively ignorant of the facts, he was persuaded that he would entirely exonerate himself from the hon. gentleman's charges. The hon. gentleman said, that the gaoler had been punished, as he termed it, before trial. Now, as far as he could collect the nature of the case it was this:—the magistrates of the county, considering the gaoler their servant with respect to a particular part of the gaol, and he having (very properly perhaps — that was not the point) disobeyed their instructions, they, not with a vindictive feeling, but to try the question, suspended him from that part of his office which related to the penitentiary, until the result of the trial should ascertain the state of the law. He did not apprehend that by this proceeding the gaoler had experienced much inconvenience, as the proceedings did not appear to originate in any feeling of hostility or animosity. The question at issue was, whether or not magistrates had the right to visit every part of these gaols. With respect to the warrants for keeping prisoners in safe and close custody, it was to be observed, that, according to the old practice of the country, and the opinion of some of our greatest lawyers, the common law considered every thing custody that ever so slightly infringed the liberty of the subject, even when the prisoner was confined to the care of his friends. But if by close custody was meant solitary confinement, he would assert that it was totally unknown to the ancient law. It had been argued, that because the common gaols were the king's gaols, magistrates had not a right to visit persons confined in them on charges of high treason. They were called the king's gaols in the same manner as the high roads were said to belong to the king, and no more was meant than that they were used for a public purpose. If, however, there were doubts on the legal question, it was necessary that they should be immediately set at rest. Although the hon. and learned gentleman had no doubt on the subject, other gentlemen of the profession, equally learned, might entertain very considerable doubts. He should, therefore, vote for his noble friend's motion.

The *Solicitor General* said, that the only ground upon which the noble lord had called on the House to agree to his motion, seemed to be the acquittal of

Eastaff, the Berkshire gaoler. The question to be tried upon that occasion was, whether magistrates, under the 31st of the king, had a right to visit by themselves persons confined under a charge of high treason. It was decided against the noble lord. He had visited the gaol for no other purpose than to lay a ground for bringing it to an issue, and the fate of the indictment against the gaoler determined that no such right of visiting existed in magistrates. If such was the law, were the House now prepared to say that they would alter it, and that the 31st of the king was passed with a different view? The statute of William, so far from proving that such a right of visiting persons confined for high treason existed, proved directly the contrary. It showed that counsel could not, under that act, visit such a prisoner without permission. The noble lord claimed the privilege of visiting, whether the person was indicted or not. The cases quoted by his hon. and learned friend proved beyond contradiction that no such right existed, and that a prisoner could not be visited without either the permission of the court or the secretary of state. The 31st of the king was passed with quite a different view. This law, as explained by his hon. and learned friend, was quite clear. If a bill was brought in to confer upon magistrates such a right, he hoped the House would pause before they assented to it. The hon. baronet who spoke last, denied that Eastaff was punished, because he had only been removed from his situation as superintendant of the Penitentiary. But, he would ask, was not this a punishment? And was he not removed from that situation in consequence of his refusal to comply with the demand of the magistrates? — [Hear, !] — He had not been even accused of misconducting himself in the Penitentiary. Why, then, was he discharged from it, but to punish him for what he had done in the other situation? He was dismissed from one place for having done his duty in the other. The judge who presided upon this trial, had been charged with partiality. The accusation came with a very ill grace from the noble lord, after having been the means of punishing the gaoler for what he was in duty bound to do. He had only offended in the solitary instance of differing with the noble lord in his interpretation of the 31st of the king, which the noble lord himself now allowed to be doubtful.

Lord *Folkestone*, in reply, said, that he had never before heard that there were no doubts on the subject. On the contrary, he had believed that doubts were very prevalent upon it, and it was for the purpose of removing those doubts, that he had made his present motion. As the attorney-general for whose opinion he entertained great respect, now told him that there were no doubts on the subject, he was not foolish enough to wish to introduce a bill to remove doubts which did not exist. His conduct in the affair in question had been called in question. It had fallen once or twice from the hon. and learned gentleman, that he had wished to establish the right of the magistrates to go and hold secret communication with suspected traitors. He had no such object. He thought he had a right to visit them; and he went to try that right. He allowed, that after he had been in the first instance refused admission, the gaoler offered to let him in, if he would previously stipulate what he would say when in. This he refused, as unbecoming a magistrate; and he had told the gaoler, that were he to admit him on those terms he would not satisfy him (lord F.), and might offend those whose peremptory orders he had received on the subject. Now he wished to know what there was improper in that? An hon. gentleman had been pleased to say that he had stated only parts of the case, and not the whole. The fact was, that he had not stated any part of the case. He had not alluded to any part of the proceedings before the quarter sessions. He would now state the whole story:—On the 10th of June he went to visit the gaol, accompanied by several magistrates. They had a good deal of discussion with the gaoler, who refused to admit them. And here he would observe, without feeling the least animosity towards the individual, that the discovery of his great merits had taken place since the recent occurrences; and that he (lord F.) had no reason to believe that the high eulogiums bestowed on him were perfectly well founded. He attempted to persuade the gaoler that he was acting illegally, to which he replied "I quite agree with you: I believe I have no right to keep you out; but I am ordered by my superiors to do so, and I must obey." On the 14th of June, he again went to the gaol, but the gaoler persisted in his refusal to admit him. At the ensuing quarter sessions he (lord F.) attended, made a formal complaint of the conduct of the gaoler, and moved a set of resolutions, one of which was, that the magistrates had a right, under the statute of the 31st of the king, to go into the gaol. The court unanimously agreed in his opinion. The gaoler was called in, and admonished; and told that the magistrates considered they had a right to visit the gaol. The gaoler applied for leave to write to the secretary of state. This was refused, and an hour given to him for his determination, at the expiration of which period he said he would let them in. He then thought the question was set at rest; but a month afterwards he was told that the gaoler persisted in his refusal to admit the magistrates. A few days before the next quarter sessions he called at the gaol, and required admittance, but was refused, and a letter of lord Sidmouth's was shown to him. He was then on his way to town; and when he arrived there had an indictment drawn against the gaoler. Returning to the quarter sessions. he there made another complaint. He found on the bench an unprecedented number of magistrates. Gentlemen were there who were not at all in the habit of attending. He learnt that they had come for the purpose of reversing the order of the last court. As the gaoler had refused to obey the unanimous order of the court, whose servant he was, it was the duty of the court, in the maintenance of their character and dignity, to take notice of that refusal, and that notice was only to suspend him until the trial of the indictment in question. That this was the least which the court of quarter sessions could do was his opinion then—it was his opinion still. As to the publication of the resolutions in the newspapers, he had voted against it; and, with respect to the names of the magistrates who voted against the resolutions being attached to them, the hon. gentleman who had made that charge ought to know, that when any resolutions passed at a court of quarter sessions were published, the names of the magistrates present were always attached to them. There was no part of his conduct, throughout this affair, of which he need be ashamed, or which he would not retrace under the same circumstances. As the sense of the House would be doubtless against his motion, after the decided opinion promulgated by the law officers of the Crown, he had no objection to withdraw it, if such should be the pleasure of the House.—[Cries of "withdraw!"]

The noble lord accordingly withdrew his motion.

Saving Banks.] The *Chancellor of the Exchequer* rose, to move for leave to bring in a bill to amend the Saving Banks, act. The object of the bill was to obviate several difficulties which had been found in carrying the act into excution: for instance, it required an order to receive the principal, and another order to receive the interest. The present bill would authorize general orders for both principal and interest. During the recess, gentlemen would have opportunities of becoming acquainted with other difficulties which it might be proper to remedy. He congratulated the House and the country on the establishment and rapid progress of the Saving banks. Their growth was far beyond expectation, and would have given great delight and satisfaction to the author of the measure (Mr. Rose) had he lived to witness it. It would possibly surprise the House to learn that, since the 6th of August last, when the operation of the bill commenced, to the 11th of March, 1818, no less a sum than 657,000*l.* had been deposited in Saving banks. He concluded with moving "That leave be given to bring in a bill to amend an act passed in the last session of parliament, to encourage the establishment of Banks for Savings in England."

General *Thornton* did not think it would be proper that the money paid into Saving banks should produce a high interest. It would induce persons to put money into them, for whom such banks were not originally intended. It would be better that the interest should be 1*l.* 11*s.* 3*d.* than 4*l.* 11*s.* 3*d.* From his knowledge of the lower orders of the people, he was convinced that all they wanted was security for their money. They had rather an aversion to a high rate of interest [a laugh].

Sir *John Newport* was glad the chancellor of the exchequer had taken this subject into his hands. The greatest advantages would result from it. As to the paradox of the hon. general, that the lower orders did not wish to make their money productive, it was too absurd (he did not mean any offence) to need refutation. Thinking as he did on the subject, he should deprecate any measure which tended to counteract the present mode of proceeding. That it might long continue was his sincere wish, as he conceived much good would result to the lower classes from the establishment of Saving banks. He thought great credit was due to the chancellor of the Exchequer for his continued exertions on the subject, and should most willingly support the introduction of the bill.

Mr. *Babington* thought the public would be repaid by the improved morality of the lower orders; but there was some danger that persons of an improper class would avail themselves of Saving banks. He belonged to one from which all but servants, mechanics, and other persons in the same rank of life had been excluded; but it was astonishing how many persons in a superior rank endeavoured to avail themselves of it. One gentleman possessed of above 40,000*l.* wished to put in money in the names of his six children. He knew of many other instances. He thought the chancellor of the exchequer would do well to provide in this bill, that the lower orders alone should be benefited by it.

Mr. *Thompson* agreed with the hon. member, as to the propriety of preventing any but the lower classes from placing their money in Saving banks. He knew several cases where persons of affluent circumstances vested sums in Saving banks on account of their children. If such a system were allowed, persons who had money to spare would not place it in country banks nor in the funds, nor in other securities from which a less interest was derived, but from which a greater benefit would arise to the public. He hoped the chancellor of the exchequer would introduce a clause in the bill to prevent all but the lower classes from vesting their money in these banks.

Leave given to bring in the bill. It was accordingly brought in, and read a first and second time.

NAVY ESTIMATES.] Mr. Brogden brought up the report of the Committee of Supply to which the Navy Estimates were referred. On the question, that the report be received,

Mr. *Forbes* said, he wished to call the attention of the House and of his majesty's ministers to the situation of the officers of the navy. When they received pensions for wounds, those pensions were not granted on the same footing as to wounded officers of the army. It was understood by the order in council applicable to this subject, that both services were to be placed on the same footing. He had lately seen many instances of officers of the navy receiving for the same wounds considerably less than officers of correspondent rank in the army. He could see no ground for this distinction. It was a sufficient compliment to the army to say that it was equal to the navy. A post captain in the navy, who ranked with a colonel in the army received only 250*l.* while the other received 300*l.* a year. He wished also to allude to the case of pursers clerks, some of whom after eleven years service, had been turned adrift without a sixpence. The whole of the persons in this situation amounted to 30. He complained also of the alteration which had been adopted in the case of pursers. All the ships had been taken from the pursers, and they had been put on a very inadequate half-pay. He hoped these matters would be taken into consideration in the proper quarter, and that the country would not show itself ungrateful for the services rendered to it by the navy.

Mr. *Croker* said, that nothing could be more mischievous to the navy than the views of the hon. gentleman, if carried into effect. This was not the first time the hon. gentleman had introduced this subject to the attention of the House; and it was not now the first or second or third time he had been answered. The hon. gentleman ought to know something of the state of the two services, and the different advantages enjoyed by each, before he recommended any change with regard to them. It was true a lieutenant colonel had 6*d.* a day more half-pay than a young post-captain of the same rank. But then the post captains went on rising without interruption till they were equal to full colonels, whereas a lieutenant-colonel remained where he was. For instance, in 1814, there were 200 post captains who ranked as lieutenant-colonels. At that time there were also 1,100 lieutenant colonels. There was not one of these post captains who had not risen to a rank equal to that of full colonel, whereas there was not one of the 1,100 lieutenant-colonels, who was not still lieutenant-colonel. The hon. gentleman complained that all the ships had been taken from the pursers. But how many of them could have ships? Not above 400. There were 900 in all; and so to give ships to

400 of them, he would reduce the 500 other to actual starvation. Pursers were brought up generally to the pen and ink line, and, in port, not one of them would live on board their respective vessels; so that the pay, which was only about 70*l.* a year, if they did not remain on board, would really be less than the present half-pay allowance. Not one of them would make the exchange. The old plan of rewarding pursers, while it profited them but little, was expensive to the country. The lowest rate of a purser's half-pay was 3*s.* a day, which was more than the most of those who had ships before received; the higher rates were 4 and 5 shillings a day. There were no complaints from any one purser of this arrangement. But with this liberality the Admiralty had made a provision for economy, and had determined that no more pursers should be made till they were reduced to the number of those who would have ships under the old system.—The hon. gentleman had next mentioned midshipmen who had been promoted to be officers called purser's clerks. This statement was a bundle of blunders, and if he had not known the gentleman from whom it came, he should have attributed it to one of his own countrymen. A midshipman could not be promoted to be a clerk, for the situation of clerk was inferior to that of midshipman. Secondly, there was no such office as purser's clerk. There were, indeed, persons denominated captains' clerks, who were not officers, and who had nothing to do with pursers—but who kept the captain's accounts, were appointed and might be dismissed by him, and were the private servants of the captains, except that an allowance was made for them by the public. It was true that, as they were the only persons in civil employ connected with ships, it was usual to select the pursers from the most deserving of them; but they could have no more claim to half-pay than the amanuensis of any member of that House. He complained of the hon. gentleman, that with a zeal meritorious in its origin, but mischievous in its effect, he chose to attack a board of Admiralty, which had laboured with anxiety, diligence, and success, for the good of the service—which, in five or six years, had done more for the benefit of the navy, and thence of the nation, than ever had been done in twenty-five or twenty-six years before. He did not mean by that to blame former administrations; he knew they were all, without excepting even his political opponents, equally zealous to promote the comfort of the navy.

Mr. *Money* said, the object of his hon. friend seemed to have been misapprehended. It was not his intention, he believed, to throw any imputation upon the conduct of the Admiralty, but simply to submit the fact to the notice of the House, that a great difference did exist in the rate of providing for the officers of the army and navy. The services of the navy, and the glorious deeds achieved by its means, were in a special manner entitled to the gratitude of this country; for without our navy, the triumphs of our army had not been so signal and complete. Without the co-operation of our navy, the exertions of Wellington and his victorious troops would not have been attended with such brilliant and decisive success. When he considered the many and signal triumphs they had obtained, the long and arduous blockades they had sustained for years together, it was impossible for him to admit that the rate of compensation to which they were in justice entitled should be inferior to that of the army. The bravery of British seamen was proverbial, and he need only instance the conduct of his hon. friend the member for Glamorgan, who with a handful of men on board his ship, performed actions last war which were sufficient to immortalize him. The bombardment of Algiers was also a striking proof of the bravery of British seamen, and ought to induce the House to keep a strict and watchful eye to their interests. He hoped, therefore, that the situation of naval officers, of all classes, would be attended to, and that they would meet with that protection from their country which their conduct so richly merited.

Mr. *Huskisson* said, that the hon. gentleman had spoken of our navy as if that House had heard then, for the first time, of their gallant deeds—as if their services had been altogether forgotten. Had he been, however, at the pains to inform himself, he might have been soon satisfied, that the country had neither been insensible to the services of our gallant seamen, nor unmindful of making due provision for their comforts. He would likewise have found, that no such distinction existed in the rate of compensation to the army and navy as he had been led to think; or, if it did, that it was easily to be accounted for, from the nature and circumstances of the different services. In the army, the opportunities which an officer had of improving his fortune by prize-money did not often occur; and when they did occur, it was for the most part but to an inconsiderable amount. In the navy such opportunities were frequent, and often to a very great amount. The officers of the navy were sensible of these advantages, and never looked to any farther compensation. On the late triumph at Algiers, to which the hon. gentleman had alluded, the sum of 100,000*l.* had been distributed among those who had been engaged in that service, besides the honours and distinctions conferred upon those who had signalized themselves by their conduct and valour, He contended, that nothing could be more false in argument, nor more mischievous in its consequences, than the practice of forming comparisons between the different services, and maintaining unfounded distinctions. It had been said, that the late war had been barren in prizes; but he believed he was warranted in saying, that no war in the annals of this country had been more productive The capture of Banda alone had afforded to many the opportunity of acquiring the means of independence, comfort, and wealth. The system of remunerating for wounds or loss of limbs was said to be different in the navy from what it was in the army. This was true; but the difference was entirely in favour of the navy. For in the latter, pensions were given for wounds which were not equivalent to loss of limb, while in the army, unless the wounds received were fully equal to loss of limb, it generally happened that no pensions whatever were given. It often happened in the navy, that a man received 250*l.* for wounds, for which in the army nothing would have been given.

Mr. *Forbes* observed, that the hon. secretary to the Admiralty might have spared the patience of the House and his own lungs in the greater part of what he had said, for it was already before the House and the public. He had read the most part of it in a pamphlet intituled "Observations on the Navy," purporting to come from "A Friend to the Navy." He did not know who the writer was, but perhaps the hon. secretary was well acquainted with him. He would not attempt to follow the hon. secretary in the speech he had made to the House. The hon. secretary must of course be better acquainted with those things than he was, as he was paid for knowing them. His object in making the observations he had made, was not for the purpose of obstructing the proposed grant, but of pointing out deserving men who were neglected; and as long as he had the honour of a seat in the House, he should not cease to reiterate the claims of those whose wounds and services entitled them to so much consideration. He would still maintain that the same attention was not paid to those who had claims from wounds received in the naval service, as was given to those who had been wounded in the army. This was a feeling which existed throughout every branch of the naval service, from the highest to the lowest rank.

Mr. *Croker* admitted, that it was the hon. gentleman's right to make any observations he pleased upon the subject at any stage of the proceedings; but what he had complained of was, that the hon. gentleman had not made those remarks in a committee. He did not think it quite fair that the hon. gentleman should come with his second budget of grievances at a time when the details could not be so well entered into as they might have been in a former stage. Whenever the hon. member thought proper to bring forward these matters, he would be ready to give an account of them most satisfactory, if not to the hon. gentleman, at least to the House and the country.

The several Resolutions were then agreed to.

NEW CHURCHES.] Mr. Brogden brought up the report of the Committee on that part of the Prince Regent's Speech, which related to the building of New Churches in different parts of the kingdom. On the motion that it be read,

Mr. *A. Browne* was desirous that the power of removing curates should not be taken away from vicars and transferred to the bishops. When any complaint were made against a curate by the parishioners, the delay of appealing to the bishop, and in waiting for his decision, was often very great, and frequently detrimental to the interest of the parishioners. He hoped that some clause would be introduced to remedy so great an inconvenience.

The *Chancellor of the Exchequer* thought it expedient to delay the consideration of such minute questions for the committee. According to the laws now existing, the rector had no power of removing curates who had been licensed by the bishop; and every curate ought to be so licensed. A rector, however, having a number of curates under him, appointed to different parishes, might remove them from one to another; but that power, by the measure now proposed, would be modified, so that every curate should have a kind of permanent connexion with his particular chapel.

Mr. *C. Grant*, sen. was exceedingly happy that such a sum should be voted to so laudable a purpose as that of increasing the number of churches. He hoped the House would see the necessity of extending the benefits of the grant to Scotland. To his own knowledge, there were several districts in the northern part of the kingdom, some of sixty miles in length and twenty in breadth, without a church sufficient to contain the one-twentieth part of the population. He trusted the House would see the necessity of attending to this important subject.

The *Chancellor of the Exchequer* said, he heard the observations of his hon. friend with attention, and he had no hesitation in saying, that his majesty's government would have no objection whatever to extend the benefit of the grant to the northern part of the kingdom. But his hon. friend would perceive, that in consequence of the great difference in the constitution of the church of Scotland and that of England, it would not be very convenient to embody the intended grant to both in the same bill. His majesty's government would have no hesitation in supporting any measure which might be thought necessary for increasing the number of churches in the northern part of the kingdom, and he was convinced the same disposition would be found to exist in the House. The aid would be extended, he had no doubt, to all parishes whose extent or population required it. He wished here to correct a misunderstanding which had gone abroad with respect to some observations which had fallen from him on this subject last night. He was represented to have said, that no aid was intended to be granted to parishes, where the population was under 10,000 persons. He had said no such thing. The commissioners to be appointed would have the power of granting aid for the building, or enlargement of churches in all parishes, according to their particular exigencies. What he had stated was, that he feared, notwithstanding the liberal grant which parliament had voted, that the commissioners would find it insufficient to meet all the claims which might be made, unless they were assisted by large private subscriptions. He was happy to perceive, that these subscriptions had already commenced on a most liberal scale, and were likely to be followed up in the same generous manner.

Mr. *Wilberforce* expressed his decided approbation of the proposed measure, and felt that the public money could not be more profitably employed.

Mr. *Forbes* supported the measure, and agreed, that the money would be well laid out in promoting such a purpose.

General *Thornton* asked, whether in the cases of divisions of parishes, such as that whereby the parish of St. George, Hanover-square, was divided from St. Martin's, it was intended that the division should be solely for ecclesiastical purposes?

The *Chancellor of the Exchequer* could assure the gallant general, that it was not intended to propose a division of parishes for civil purposes. But he would distinctly state, what were the objects of the present bill. In the first place, it would empower the king, in council, upon a representation to that effect, to direct the division of a parish, for ecclesiastical purposes, into two or more parochial districts. Secondly, to such divided districts would be assigned each its church and minister. The third provision would extend to the erection of chapels of ease in parishes, the ministers of such chapels to be nominated by the incumbents of the said parishes, subject to the approbation of the diocesan, and without at all deranging the civil or secular rule of such parishes.

The Resolution was agreed to, and a Bill ordered to be brought in thereupon.

HOUSE OF COMMONS.

Wednesday, March 18.

MOTION RESPECTING SPANISH SHIPS ENGAGED IN THE SLAVE TRADE.] Dr. *Phillimore* observed, that in rising, pursuant to notice, upon the present occasion, he did not apprehend it would be necessary for him to trespass at much length upon the time or the patience of the House, as the subject was confined within narrow limits. By a treaty that had been recently concluded, the sum of

400,000*l.* was to be paid by the British government to Spain, as a compensation for the losses that the latter power might sustain by consenting to the Abolition of the Slave Trade. By a petition that had formerly been presented to the House from Mr. Page, a person describing himself as agent for the merchants residing at the Havannah, concerned in the Slave trade, it appeared, that the Spanish property employed in the slave trade might be divided into three classes: first, those cases of vessels condemned in the colonial courts, where the appeal was interposed too late; 2dly, the cases of appeals in progress; and, lastly, those cases where the decrees of the courts of this country had ordered restitution to the full value of the property. With the two first classes, his motion had nothing to do. It exclusively referred to the case of those claimants who were in possession of sentences of restitution from British courts in this country. It might be said, and he did not mean to controvert the position, that the king of Spain possessed the power of contracting for his subjects in arrangements with foreign states. It was not his intention to enter on that view of the question. It was much more material with him to uphold and preserve inviolate the ancient and pre-eminent character of the courts in which the laws of nations were administered in this country. The parties who had sought for restitution of their property, had appealed to the British courts, in the fullest reliance on their acknowledged character for undeviating good faith and justice. And, in referring to the cases where the sentence of restitution had been made, he found that restitution was ordered in two instances, as far back as January, 1817; another in May of the same year, and the fourth in December last; while the treaty with Spain was not ratified until the end of that month. Yet by that treaty, a decree of the law of nations, putting these parties in possession of their property, or the value of their property, was rendered, to all useful purposes in this country, but as so much waste paper. It was unnecessary for him to trespass on the attention of that House with any panegyric on the character of those courts. Happily for the times in which we lived, their decisions did not rest on abstract or speculative notions; they had attained to a certainty equal to those of the municipal courts. It must therefore be a source of regret to see their decrees reduced by any transaction to a perfect nullity. Before the execution of the recent treaty, no merchant in England would have refused the most liberal advances to these claimants on the security of those sentences of restitution. At present they were wholly valueless. But the case of these claimants stood on stronger grounds than the mere sentence of restitution. They were protected by an act of parliament, the 55th of the present reign, by which, not only a restitution in value was enacted, but it was ordered that payment should be made on the production of the sentences by the treasurer of the navy. Applications had been made by these claimants to the courts, in order to accelerate the payment, and the answer was, that a treaty was pending. Of the treasurer of the navy, the value of the property had been demanded, but the claim was, from time to time evaded; although, under the provisions of the very act of parliament, a sum of 48,000*l.* was paying to French claimants, similarly situated. He could not but consider it due to the character of the tribunals in this country, in which the law of nations was administered, that government should specially provide for those, who held sentences of restitution under their order, and that it should not go forth to the world, that they were vilified and of no effect. It was endeavoured, by those who looked at our maritime character with jealousy, to attach a political character to those tribunals. To that aspersion their pre-eminent character was the best refutation, and therefore it was that he regretted any event that had a tendency to impair the value of their decisions. Why should not these claimants be indemnified? There remained one point on which, from what he had heard since he entered the House, he was anxious to be fully understood. No man more sincerely wished for the total abolition of the slave trade; no man was more sensible of the embarrassments this country had to contend with, in achieving that important concession, by which the tract of the African continent, to the northward of the equinoctial line, was at length placed within the pale of civilized society, and relieved from the predatory attacks of the Spanish slave-dealer, and all others, who had so long carried on their detestable pursuit, under the cover of that flag. The question he had the honour to submit, stood wholly independent of the slave trade.—The hon. and learned gentleman concluded with moving, "That an humble Address be presented to his Royal Highness the Prince Regent, to represent to his Royal Highness, that it appears to this House, that several Spanish subjects have obtained sentences of restitution of vessels engaged in the African slave trade, which had been detained by his majesty's cruizers, and brought to adjudication in the courts of admiralty of this country, but have not yet been put into possession of the same: and that they commenced and prosecuted their suits at considerable expense, under the implicit confidence which they have reposed in the justice and integrity of the British tribunals, and upon the faith of an act passed in the 56th year of his majesty's reign, intituled, 'An Act to provide for the support of captured Slaves during the period of adjudication.'—That, being deeply interested in upholding and maintaining inviolate the decisions of the tribunals of this country, most earnestly do entreat his Royal Highness, that he will be graciously pleased to take effectual measures to provide that the Spanish subjects, who are actually in possession of sentences of restitution, may receive the full amount of the property decreed to be restored to them."

Lord *Castlereagh* said, that he fully agreed with some of the general observations of the hon. and learned gentleman. His exposition, so far as it went, was perfectly fair and clear. He had no doubt, but he should be able to present the subject in such a light, as would give satisfaction to the House, and to the hon. and learned gentleman himself; and to prove to him, that circumstances were such as to free the arrangements with Spain from all impeachment. He would first make a few observations as to the general grounds of the right upon which the arrangement was entered into. There could be no doubt, that it was perfectly competent to one sovereign to contract with another as to the claims of their subjects, with a view to adjustment. The claims of individual subjects would otherwise lead to general confusion and perpetual warfare. It was the duty of a sovereign to obtain justice for his subjects from foreign powers; but the Crown was alone competent to judge how far it had a right to prosecute that end by warfare or stipulation. If any other principle were admitted, all claims of subjects might become individually an object of negotiation which could never be brought to a close. On the common reason of the thing, therefore, it was clear, that the power of negotiating upon, and adjusting the claims of subjects, should remain with the sovereign. All writers upon the law of nations were agreed as to that point. It could be proved, by two practical cases exactly in point. which had obtained the sanction of parliament. One was, the treaty negotiated at Vienna in the year 1815. By that treaty, 300,000*l.* was stipulated to be paid to the king of Portugal, in compensation for the same description of injury as that to which the motion referred. Some of the cases respecting Portuguese vessels captured by British cruisers, were then actually in progress before the courts. He did not know whether any had been completely decided. In like manner, by the treaty with America in 1783, the subjects of this realm were to bring their complaints for unjustifiable capture of ships, before the American tribunals. In some cases they obtained justice, but in others it was denied. For that reason the sovereign entered into a stipulation for the adjustment of those claims; and the American government itself undertook to indemnify the claimants in cases where justice could not be obtained before the tribunals. There were two modifications entered into on the subject. The first established the right of going with claims, not to courts of justice, but before commissioners, who were to examine them, and to order payment. The proceedings before the commissioners not having given satisfaction, a second modification was entered into, which compounded the whole claims for 600,000*l.* This composition was received by the Crown, although the claims, if prosecuted, would amount to five or six millions. Whereas here, the sum given to the Spanish king was not only ample enough for all the claims of his subjects, but it was considerably beyond their amount. The precedent of America, followed by the treaty of 1815, and the common sense and laws of nations, thus established the right and power of one sovereign to compound with another for the interests of his subjects.—There was a general observation made by the hon. and learned gentleman to which every man was alive; namely, that it was of the utmost importance to the national honour to support the national tribunals; but the hon. and learned member had neglected to remark the natural distinction between tribunals for internal cases of justice, and those for the laws of nations. Whenever a treaty was agreed upon between two nations, from that moment it formed a part of the law of nations. If, then, the proposition he had stated, that it was in the power of a sovereign to enter into treaty respecting the claims of subjects was correct, it was no more an impeachment upon the treaty in question to have recognized a composition, than it was upon this country to have entered into the composition with America. The judgments referred to by the hon. and learned gentleman, were not judgments affecting the revenue of the country, through the treasurer of the navy, but the captors of the vessels in question. In proof of this, he would remind the hon. and learned gentleman, that his clients would have sold those judgments at such a discount as to take a few shillings in the pound before the treaty had been known, and that he had presented a petition for his Spanish clients, praying for a public compensation, the same as had been given in the case of Portugal, because there was so much litigation and difficulty in the way of getting satisfaction from the captors. Was it not hard, then, after not only the same measure of justice, but a greater had been meted out to them, that complaints should now be urged on that ground? But to argue more closely with the hon. and learned gentleman. He had represented the great hardship and injustice of stepping in between individuals and the tribunals which had given judgment in their favour. This he wished to be kept particularly in view by the House, for he could show them that the claimants were deprived of no right they had had either in equity or by statute. There were two views to be taken of the question. First, what was the principle on which any claim in equity could be founded; and, second, what the claimants were entitled to on that principle. With respect to the first view, they were entitled to nothing in equity. The statute of July, 1815, was passed for purposes of humanity, that slaves found in captured vessels might be immediately relieved from their unhappy situation, and not obliged to wait the issue of a long litigation. With this view it was enacted, that if the capture should afterwards be declared illegal, an equivalent should be given for the slaves by the treasurer of the navy. As this act could only operate prospectively, not one case of those in question could be in any view, brought within its operation. All of them but one were distinct from the whole proceedings contemplated by the statute. The hon. and learned gentleman had been guilty of a fallacy, if not of misrepresentation, respecting the cases in question. There were altogether twenty-one cases in different stages. In sixteen of those cases the captures had taken place before July, 1815. The act of parliament of that date could by possibility, therefore, apply only to five of them. The sixteen cases had no reference whatever to the act, and could claim no remedy whatever, except from the clemency of parliament, if parliament chose to extend it to them; four cases out of the other five were still in course of litigation, and no judgment whatever had been given upon them. Only one case, then, could be attempted to be included in the provisions of the act, and this case he should show to be on grounds very different from those contemplated by the act. It was the case of the Rosa. It had not been captured by our cruisers, but had been driven by stress of weather on the coast of one of the Bahama islands, and had been taken because some slaves were on board. Upon the hon. and learned gentleman's own showing, therefore, no claim could be urged against the treasurer of the navy. There were only five judgments, and those were against the captors; and surely the claimants, as to the remedy now afforded to them, compared with their prospect of recovering from the captors, had no right to complain of this country for turning them over to the justice of their own country. He had thus shown that the claimants had no right against the state, but against the captors; and that their claims against them could not stand in the way of entering into treaty, otherwise they would stand in the way of all treaties. Looking at the treaty with Spain, he would say, that the claimants by going to their king with judgments obtained in this country, would have an additional claim for justice, and an impediment against injustice. But if individual cases had been specially stipulated for in the treaty, it would be incumbered with much obscurity. Nothing could be more unwise than to include all cases in progress in the courts in a treaty. There was nothing so dangerous as introducing unnecessary words into a treaty. By this treaty the king of Spain had taken upon himself to make satisfaction for all losses sustained by his subjects. If, then the judgments were not, as they were, against the captors, but against the public, it would be difficult to prove that we were bound to make twofold restitution. He would not prejudice any man; but if Americans and others, who, under the disguise of Spaniards, had trafficked in slaves, had applied to our courts, and managed their disguise so well as to have obtained judgments, was it not the wisest and the most just course to refer them to the country to which they affected to belong? He believed there were such claimants, and Spain had better means of detecting them, and of separating the real Spanish claimants from the illicit traders who had carried on depredations under its flag. It was thus an essential ingredient of justice, to refer them to the country to which they said they belonged. It was impossible to get at the truth in any other country. Upon the whole, he trusted that he had satisfied the House, that no doubt had hitherto existed with regard to the competence of the sovereign power of a state, upon all the principles of international law, to conclude a treaty with another foreign power, of the nature of that under consideration. He had shown that it had been recognized on two solemn occasions, and that there was no ground of charge against the Navy board, as having placed itself between a judgment on a statute law, and its execution. He had only to remind them, that the Spanish flag had been made use of by the subjects of other states as a cloak to their violation of the law, and that the Spanish courts must necessarily be the fittest places for determining any questions which might arise out of that practice. Hoping, therefore, that he had relieved the hon. and learned gentleman's mind from all apprehension with respect to the authority of our own tribunals, he should conclude by expressing his intention to oppose the motion for an address as unnecessary.

Lord *Archibald Hamilton* said, that he addressed the House with reluctance on this subject, but he considered that, by the noble lord's own admission, injustice had been done somehow and somewhere. He was sorry that a claim in equity should be connected with any thing so atrocious as the slave trade; but he nevertheless thought the honour and justice of the country implicated in this question. The noble lord was rather unhappy in his allusion to the American treaty, for that was a precedent which was never admitted either for its principle or its justice. If he did not mistake, lord Sidmouth had, on a public occasion, expressed a very strong opinion against the treaty, on which so much stress had been laid. The claimants were to be now told they might go to Spain and seek redress, but the correspondence they had with the noble lord left them little to expect in such a quarter. Was it fair, he would ask, after the parties had, at a considerable expense, pursued the judicial course laid down for them by the law, and obtained judgments—was it fair to turn round on them and transfer them to another country for that redress which they were entitled to receive here? Suppose the courts of Spain refused the parties satisfaction, would not England be bound to afford it, notwithstanding [this pecuniary grant to the king of Spain?

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Lord *Castlereagh* explained, that the treaty gave to the king of Spain a full remuneration for the claims of his subjects, and to the latter a whole and entire remedy in their own tribunals. The distinction taken in his correspondence was between the claimants who had entered their appeals in time, and those who had not.

Mr. *Wynn* said, he would not dispute the abstract proposition, that a sovereign had a right to adjust with another potentate the claims of any of his subjects; this power, he admitted, was vested, and necessarily so, in the head of any state, whether republican or monarchical. He also admitted, with the noble lord, that the question here was, whether the power so vested had been properly applied in the particular case. The claims not duly appealed were, of course, out of the consideration; but when the legislature, by a special act, prescribed the mode of pursuing a legal inquiry to correct a wrong, and where the sufferers had followed the course laid down and obtained an adjudication, after making out their demands to the satisfaction of the court—then both equity and justice required that they should be protected in the rights they had acquired. The case of America was not exactly in point. It was known that in America, at the period when the treaty was made, from the fermentation which prevailed after a protracted war, the courts of justice were not then to British subjects the seats of equity, in many cases; therefore, any international arrangements to cover individual claims made at such a time, could not be very well adduced at the present moment to govern the proceedings of a British statesman. The hon. gentleman expressed his warm indignation at the horrible traffic in slaves; but he thought that the interests of the claimants should, in the present instance, be protected by the courts in which the proceedings relating to them had been instituted, and not transferred to another jurisdiction, where the parties must incur fresh expense, and additional delay, after their cases had already been decided before competent tribunals.

Mr. *Brougham* was of opinion, that if the consent of the court of Spain to abolish the trade were the only result of the payment of 400,000*l.* it would be sufficient; but he considered that the additional arrangement relative to the right of search —without which the abolition of the trade would be impossible—was of itself worth the whole sum. It was also to be recollected that the Spanish government received this money, partly in consideration of their making good the losses sustained by their subjects by captures; to which indeed one-half of it would probably be applicable. The hon. and learned gentleman argued, that the act of our government was not the cause of any injustice that might be apprehended; for if no treaty had been concluded, it would have been competent to the Spanish government to bar the claims of the parties in question by an act of state. It was certainly a case of great hardship on the parties who had brought actions and obtained judgments, and on the credit of those judgments had perhaps obtained advances; but there were many other cases of hardship arising out of the established principle, that subjects were bound by the acts of their sovereign. Up to the final adjudication, the whole claim of a captor might be abandoned for him by his government; saddling him with all the costs of his action. He thought, however, that it would have been much better had resort been had in the instances in question to the droits of Admiralty. In conclusion, the hon. and learned gentleman expressed his earnest and anxious hope, and indeed his sanguine expectation, that by the stipulations which had been entered into between some of the governments of Europe (which he trusted would be speedily extended) and more especially by the admission of the right of search, the great measure of the total abolition of the slave trade, would ere long be completely accomplished.

Lord *Castlereagh*, in reference to what had just fallen from the hon. and learned gentleman, was persuaded it would be satisfactory to him and to the House to be informed, that the government of the Netherlands had signified their readiness to assent to the principles of the treaties with Spain and Portugal, and that a treaty to that effect was in a state of great forwardness.

Mr. *Wilberforce* thought the distinction on which the motion of the hon. and learned member rested, was one which could not be made as easily as he imagined. He would not conceal from the House, that when he first heard the question agitated, he thought the letter of the act should be strictly attended to. But when he came to consider the subject more closely, he could find no difference between the cases where awards had been made and those which were in progress. It had been well observed, that more were concerned in the question than the governments of England and Spain. Much had been said about the losses likely to be sustained by Spanish claimants, if the awards of the Admiralty court were not enforced; but it was well known that such was the system of fraud carried on by persons of other nations, that the Spanish flag was used as a protection for carrying on that odious trade in slaves which could not otherwise be continued by them. On that account it was, that the several claimants were so desirous of applying to England for redress under the Spanish flag, which they knew it would be useless to seek for in Spain—as such fraud would there be easily detected. But it would not be right to allow strangers to take advantage of an act passed in this country from the most generous feeling, particularly when such advantage was taken for the protection of a traffic which the whole nation had set their faces against, and which was so revolting to human nature. What had been the consequence of that trading in slaves which was carried on by those ships, the capture of which was now a subject of litigation? When the French had been driven from their settlements on or near the coast of Senegal, the poor inhabitants found some safety from their former persecutions. Instead of taking refuge in their woods and hiding places, as they were previously obliged to do, to avoid being entrapped and dragged into slavery, they descended into the open country, and employed themselves in cultivating the land and such other civilised labours as conduced much to their happiness. Up the river Senegal there were to be seen numerous plantations of the produce of that country. The innocent inhabitants felt happy in being allowed the undisturbed possession of their liberty and the cultivation of those articles which were necessary to them. That state of things continued until the trading in slaves was recommenced under the Spanish flag, and by the French. The consequence of which was, that that part of the coast of Africa to which he alluded, was reduced to one scene of ruin and desolation. The noble lord opposite, with a promptitude which did honour to his feelings, made representations to the French government on the subject, and to their credit, they showed every wish to prevent a trading in slavery as much as possible. Now Spain had also consented to desist from the slave trade, and it was to be hoped, that in a short time the poor Africans would be again induced to quit their woods and their fastnesses, and resort once more to those peaceful and industrious habits which would tend so much to the amelioration of their sufferings and to their civilization. Spain promised fairly to abolish entirely the traffic in slaves, and they had in what was already done by that country a strong guarantee for the performance of the rest. He hoped, also, that America, who ought to be the friend of freedom, would not sanction this inhuman trade. With respect to the motion before the House, it rested on a distinction which it was very difficult, if not impossible, to make. If the principle of remuneration, which it would establish, were once allowed, there would be no end to cases of that nature; besides, it would be holding out an inducement to the continuance of a trade which it was the wish, not only of England but of a great part of Europe, to abolish altogether, a trade equally detestable in the sight of God and man.

Mr. *Money* said, he considered the 400,000*l.* given to Spain under this treaty expended for one of the most just and noble purposes. It reflected the highest honour on the country; and he believed, that if for such a purpose the people were called on for their contributions, the penny of the poor would be cheerfully blended with the pound of the rich.

Dr. *Phillimore*, in reply, observed, that his arguments must certainly have been misunderstood. He would appeal to the House, whether he had not distinctly separated the question from the abolition of the slave trade, and whether he had not distinctly and fully expressed his abhorrence of that trade? The question on which he went was, whether those claimants who were in possession of a verdict of a British court of justice in their favour, ought not to be indemnified for their losses in the first instance, and the subsequent heavy expenses incurred in the prosecution of their claims, and whether there was not a difference between the cases of such persons, and those whose claims were in progress? He did not deny the right of the sovereign to bind the subject by any treaty entered into with a foreign power; but he thought the honour of the country ought to be maintained; that the purity and integrity of British courts of justice, which were hitherto in such high estimation, ought not to be lessened in the minds of other nations, but which would be the case if the persons whose cause he advocated were to be deprived of redress. He admitted that three out of the four cases he had mentioned, did not come within the act. The fourth did. The noble lord had stated that it was the captor and not the public who would be liable if no treaty had been entered into. He would appeal to the House, whether it would be fair to have the captor of a slave ship, the man who had been instrumental to the rescuing of a number of poor creatures from slavery, that such a person should be ruined in his fortune by being obliged to pay all the damages attendant on the restoration of his prize? In such cases the public should undoubtedly pay for what had been in accordance with public feeling. Besides, there were many cases which occurred before the treaty was entered into, before it was thought of, and which did not come within the grant of the 400,000*l.* He did not mean to find fault with the sum: but he would observe, that it was the duty of ministers to have provided for those cases of hardship which occured previously to such treaty being agreed to. What was the result of the treaty? The decisions of the British courts, to which those cases had been referred, were left at the mercy of the Spanish government, than which no government in Europe ranked lower in point of credit. It had been said by an hon. member, that much of fraud had been carried on by some of the claimants, which was the reason why they were so anxious to apply to England rather than to Spain, as in the latter country there was a greater chance of detection than in this. To that, he would observe, that he did not know personally the gentlemen whose cause he advocated, but from what he had heard of them, he had no reason whatever to doubt their respectability, or the validity of their claims. If there was any fraud it would have appeared in court on the trials; but no such thing did appear; on the contrary, the strongest proof of the justice of those claims was, the decision which had been made upon them by the able and learned judge who presided on the different occasions. All charges of fraud, therefore, came at too late a period to have any effect. The precedent of what took place in 1783 was mentioned as a case in point with the present, but it had been fairly shown by his hon. friend (Mr. Wynn) that there was no agreement whatever between them. He had not heard any thing from the other side of the House which made against his motion, or from which he was not the more convinced of the necessity of its being carried. It was the duty of the House, to maintain and uphold inviolate the tribunals of justice, and to be cautious of interfering with them in any way. On these grounds, he contended, that his motion ought to be acceded to.

Mr. *Wilberforce* observed, that it was a singular fact, that until it was found the Spanish flag could cover the illicit traffic, no vessels of that nation had been busily engaged in the trade. It was, therefore, clear to him, that the real traders were not Spanish subjects, or persons having any claim for remuneration in the courts of Spain. This accounted for the anxiety of such parties to urge a settlement here.

The motion was negatived without a division.

SAVING BANKS BILL.] The House resolved itself into a Committee on this bill. The several clauses were agreed to. On the report being brought up,

General *Thornton* objected to the high interest paid upon deposits. It would, he said, be the means of money being deposited by persons whom these banks were not intended to benefit; and as government could now borrow money at about one-half the rate of interest proposed, the other half was taken out of the pocket of the public. Besides that, in the event of a war, the depositors would claim their money and cause a still farther loss to the public.

Alderman *Atkins* wished to know to what particular sums individuals would be limited.

The *Chancellor of the Exchequer* said, that when the bill came again before the House, he should move the recommittal for the purpose of receiving any amendment that might be suggested; but at present, from the inquiries he had made, and from all the circumstances upon which he was enabled to form a judgment, he thought it inexpedient to check the object of the bill. The privilege allowed had certainly, in some cases, been abused, and perhaps it would be as well to reduce the amount: 100*l.* for the first deposit, and 50*l.* a year afterwards, might be thought too much to be contributed by the class of persons to whom Saving Banks were particularly intended to apply. It was with extreme caution, however, that any alteration in this respect should be made, as by checking a partial abuse the House would run the risk of injuring the whole of the measure: 4½ per cent. was the interest allowed, but after the deduction for the management, it could not be said to exceed 4 per cent, which was a rate of interest as moderate as could be allowed to be an inducement for persons of small property to invest their money. Five per cent. could readily be had upon private security; but the House must be well aware of the many lamentable scenes of distress nnd despondency, and of the destruction of the best hopes of many of those who had so employed their money, and who, instead of making the expected benefit of the investment, had been consigned to ruin by the failure of those whom they trusted. Many, if not most of these evils had arisen from the want of persons knowing where to avail themselves of a secure deposit at a moderate interest. To a certain extent this plan might be inconvenient to the public, and might take from the public purse from one to one and a half per cent., but he was certain that the House would not think the amount of from 6 to 10,000*l* a year too much, in aid of a plan which tended so much to the industry and morality of the people in general. He confidently hoped, that the benefits to be derived would not be threefold or even tenfold, but would extend to a hundred-fold. The system had succeeded beyond the most sanguine expectations of its promoters; and if it was to a certain degree liable to abuse, it was amply compensated by the general good it occasioned.

The report was ordered to be taken into farther consideration on the 13th of April.

CUSTOMS CONSOLIDATION BILL.] The Report on the Customs Consolidation act being brought up,

The *Chancellor of the Exchequer* stated, that it was intended in this bill to consolidate all the various duties imposed since 1809, which was the period when a consolidation last took place. The duties would remain nearly as they were, with a few exceptions. There were a few general principles to which, on this occasion, he wished to call the attention of the House. With respect to the Irish duties, which must soon undergo a revision, it was intended they should remain for the present unchanged. No alteration would take place in the duty on timber. With respect to *ad valorem* duties, at present a duty of 30 per cent was laid on unmanufactured goods, and a duty of 70 per cent on manufactured goods. The duty on the manufactured goods was to be reduced to 50 per cent, and the duty on the unmanufactured goods was to be reduced from 30 to 20 per cent. It would perhaps be advisable, that the varied duties on sugar should be reduced to one fixed rate; but this would be a subject for future consideration. The duties on goods carried coastwise would continue in their present state, except the duties on stone and slates, which would be rendered more simple. The duties on tonnage would not be altered. The present duties on East India goods would be assimilated to the duties on light articles imported from other parts of the British dominions. The thrown silk would be imported from India in the same manner as from ports of Europe. He congratulated the House on the great growth of the trade to India since the free intercourse with that country. The private trade exceeded not only what the evidence at the bar gave reason to expect, but the most sanguine hopes of the adventurers. It would be proper to give every fair encouragement to this trade which might be consistent with justice to our own manufacturers. It was proposed that raw silk, manufactured here into thrown silk, should, when exported, receive a drawback equal to the duty on raw silk imported. East India sugar would be subject to the same regulations as West India sugar, if the proposed fixed duty was established. In the linen trade there would be no alteration; nor would it be fair to make any, without allowing the Irish manufacturers to be heard on the subject.

Mr. Alderman *Atkins* contended, that there was considerable impolicy in laying duties upon articles of commerce generally, without a due regard and reference to their quality; an average had, therefore, been hitherto wisely adopted. Nothing could be more prejudicial, for instance, than to rate the duty on sugar grown at 50*s*. as high as on that at 90*s*. The consequence would be that the growth of that at 50*s*. would be altogether discouraged. Much danger might result to our trade generally, from forcing the merchant, or shipper, to seek out other depots for their cargoes, as had occurred with respect to some vessels, which had lately been forced to turn about in the river, and seek some other depot. If the right hon. gentleman would apply himself to perfect the ports of this country, the inevitable result would be, that England would become the carrier of all the world.

Mr. *Forbes* said, that the trade to our East India establishment was hourly increasing in importance, and ought to have a proportionate share of the attention of his majesty's ministers and of the legislature.

Mr. *Butterworth* admitted, that it was most desirable that England should become the carrier of the greater part of the world. There were some staple articles in which other countries had decided advantages over this country; for instance, it was not possible for this country to compete with France in the silk manufacture. He was of opinion, that the most safe way to effect the purpose of the right hon. gentleman would be, by allowing in all cases drawbacks on exportation equivalent to the duties paid on import.

The report was agreed to.

HOUSE OF LORDS.

Thursday, March 19.

GAS LIGHTS.] On the third reading of the Bath Gas Light bill,

The Earl of *Lauderdale* observed, that the companies established for furnishing light by means of gas, appeared to him not to pay sufficient attention to the purification of the gas. He had observed instances of this nature of gross neglect. The tubes through which the gas was conveyed became foul in consequence, and if whilst the evil was not remedied gas lighting was allowed to become general, not only the light furnished would be much deteriorated, but infinite danger would arise to the inhabitants of places where the gas was used.

The Earl of *Shaftesbury* stated, that in every bill of this description a clause was inserted rendering the company liable to be indicted for a nuisance.

The *Lord Chancellor* said, the best way would be to dissolve the corporation if found guilty of a nuisance.

The bill was read a third time and passed.—Both Houses adjourned to Thursday the 2nd of April.

HOUSE OF LORDS.

Thursday, April 2.

Stock Debentures.] The Earl of *Lauderdale* moved for accounts of the Gold and Silver Coinage, from the commencement of the present reign, which were ordered; and, with reference to the motion of which he had given notice for the 14th instant, observed, that since he had intimated his intention of bringing the subject forward, reports had gone abroad which, if true, would materially affect the question. He did not mean to go into the minutiæ of these rumours, but should shortly notice that there was said to exist an intention on the part of government of issuing Stock Debentures, upon the security of stock to be deposited in the hands of commissioners; as if this were true it would very materially alter the nature of the question as to the currency of the country; and as he did not wish to come there upon a non-entity, upon a question, the circumstances of which would be altogether changed from those that now existed, he wished to know whether there was actually an intention of issuing any debentures of the description alluded to?

The Earl of *Liverpool* said, he had also heard, as well as the noble lord, a variety of rumours relative to the subject alluded to; but all he could say was, that whatever measures it might be thought expedient by government to bring forward, would be explained at the proper time. It was for the noble lord, however, to consider, whether it was advisable to give credit to a mere general rumour.

The Earl of *Lauderdale* observed, that it was something more than a general rumour, as it appeared that, like the lords of the Articles, who formerly in Scotland considered what subjects should be brought before the legislature, the monied men in the city, were now considering this very subject, with a view to the question, whether any bill respecting it should be laid before parliament? Under these circumstances, he thought himself entitled to ask for information, particularly as the question so materially involved the subject of his motion. The noble lord had talked of future explanation; but the mischief was, that these financial measures had of late come up to that House at a period of the session when it was impossible properly to discuss them.

The Earl of *Liverpool* said, that whatever measures might be in the contemplation of government, due notice would be given of their being brought forward, and they would be properly explained. He agreed with the noble lord, that financial measures ought to be brought under discussion at a period sufficiently early; but it would be evident that he could not, consistently with his public duty, enter into farther explanation.

The Earl of Lauderdale then stated, that the bringing forward the motion of which he had given notice, must be considered to depend upon the circumstances that occurred in the mean time.

HOUSE OF COMMONS.

Thursday, April 2.

Cotton Factories Bill.] Mr. *W. Smith* presented a Petition from 400 persons engaged in cotton spinning, of Herod, in Ashton-under-Lyne; and another from Staley-bridge, signed by 4,000 persons employed in cotton manufactories, praying, that the Bill before the House, for regulating the hours of labour in the several branches of the cotton factories might be adopted. The hon. member bore testimony to the temperate and respectful language of the petitioners.

Mr. *J. Smith*, in presenting a petition to the same effect from the workmen employed in the cotton factories at New Lanark, took occasion to observe, that he had had an opportunity of seeing the individuals who signed this petition at the manufactory where they worked, in the absence of their employer (Mr. Owen), and he could say that he never met with a more moral, well-conducted, or cheerfully industrious set of people than they evidently were. These petitioners deprecated the system which prevailed in other factories of employing people for fourteen or fifteen hours each day, with only an interval of forty minutes to take their meals. They stated that they themselves, under a more humane and benevolent system, worked only for ten hours and a half each day, and were allowed two hours for their meals; adding that they did more work within the time they were employed, than those who were compelled to work for two hours longer every day, because they proceeded in their work with more zeal and activity for the benefit of the employer, from whom they experienced such kindness. Having seen those petitioners, he could declare that they were, without exception, the most respectable and intelligent individuals he had ever observed in the same walk of life.

The Petitions were ordered to lie on the table, and to be printed.

Reform of Parliament.] Mr. *Protheroe* presented 286 petitions from Bristol, praying for annual parliaments and universal suffrage. The hon. member observed, that he had conversed with several of the petitioners, upon the subject to which their petitions referred; and although they had not been able to persuade him that he ought to adopt their opinions, he felt it due to their character to declare, that they did not appear to be actuated by any improper design—but to act from a conviction that the establishment of annual parliaments and universal suffrage was the best mode of restoring and preserving the purity of that House.

Ordered to lie on the table.

HOUSE OF LORDS.

Friday, April 3.

Supply of Water in the Metropolis.] Earl *Grosvenor* said, he had been informed by some of his tenants that a coalition had taken place between some of the Water Companies in the metropolis, by which four had been reduced to three, who had divided great part of the town between them, and the consequence was that the water was, in several instances, very bad. Some of his tenants who had been served by the Chelsea company were now compelled to take the Grand Junction water, which was of a bad quality, discoloured, and very disagreeable to the taste. He had thought it right to call the attention of the House to this subject, which was of very considerable importance. He was glad that notice had been taken of it in the other House, and he trusted some measure would be adopted to prevent the evil consequences of this monopoly.

The Earl of *Lauderdale* observed, that the object of parliament, in passing different bills for supplying the metropolis with water, with a view to a competition, had been by these companies completely defeated, and a monopoly substituted. The consequences of this conduct were not merely increased price to the consumer and bad water, but still more, they might be productive of great loss of property. When the pipes of two companies ran parallel in the same streets, in case of fires, for instance, in two different quarters of the town at the same time, each might be extinguished by the water supplied by the different companies; but now, when only one company supplied one quarter of the town, suppose a fire to happen in Soho, and then immediately afterwards another in the neighbourhood of Carlton-house, the first would have exhausted all the supply of water, and a great number of houses might be destroyed in the other situation before a supply of water could be obtained. He trusted this subject, which had been taken up in the other House, would be effectually persevered in until the evil was remedied.

The *Lord Chancellor* said, that the subject was one of great importance, and if the objects of the legislature in passing the different bills for the supply of water in the metropolis, which must be supposed to be that of creating a competition, had been defeated by the different companies joining together to establish a monopoly, he trusted their lordships would not separate without its being distinctly understood, that it was perfectly within the competence of parliament to set that matter right.

The Earl of *Shaftesbury* expressed his satisfaction at what had been said, and declared his intention, when the bill came before the House, of contributing all in his power to remedy the evil.

HOUSE OF COMMONS.

Friday, April 3.

Irish Window Tax.] Mr. *May* presented a petition from Belfast praying the repeal of the Window tax, which being ordered to lie on the table, the hon. member took occasion to ask the chancellor of the exchequer, whether the understanding in Ireland was correct, that it was his intention to propose the repeal of this unpopular tax?

The *Chancellor of the Exchequer* said, he was glad that the hon. gentleman had afforded him an opportunity of giving some explanation upon the subject to which the petition referred. He understood it to have been generally stated in the Irish papers, as a communication from authority, that it was his intention to move the repeal of the tax alluded to. This statement he had read with surprise, as he certainly never entertained such an intention, nor was he conscious of having ever uttered a word to induce the expectation so generally expressed in the Irish journals. He regretted that he felt himself compelled upon this subject to oppose the wishes of a great proportion of the people of Ireland; but he could not concur in the propriety of repealing this tax, considering the material deficiency of the Irish revenue, and the great amount of the public debt of that country upon the consolidation of the two treasuries.

Slave Trade Bill.] The House having resolved itself into a committee on the Slave Trade Acts,

Mr. *Holmes* observed, that doubts had arisen whether the acts allowing the transfer of slaves from one of our colonies to another, extended to Demerara and Berbice; and with a view to remove those doubts, he proposed that the chairman be instructed to move "for leave to bring in a bill to explain three acts passed in the 46th, 47th, and 51st years of his majesty's reign respectively, for the abolition of the Slave Trade;" to which motion he understood the hon. member for Bramber did not mean to object.

Mr. *Wilberforce* said, he should not object to the motion, but he was persuaded that when the object of the bill came to be considered, it would be found to menace the worst effects to the interests of Great Britain, as well as to those of the colonies. Yet he would not oppose the introduction of this bill, because it was his wish to have the subject fully discussed.

Mr. *Marryat* strongly deprecated the object of this bill, being convinced that if the transfer of slaves to Demerara and Berbice were allowed, it would be extremely difficult, if not impossible, to prevent them from being smuggled into other parts of the continent over which we had no dominion, and especially to Surinam. But on the score of that humanity which had produced the abolition of the slave trade, he would resist a measure which proposed to transport slaves from the scene of their early connexions to distant and unhealthy regions. Such transportation, it should be recollected, was but too likely to benefit foreigners, to the prejudice of our own colonies; for there could be little doubt that if the transportation to Demerara and Berbice were tolerated, the slaves would be seduced, and clandestinely taken away to Surinam, where, from the peculiar fertility of the soil, great temptation was held out to capitalists.—Leave was given to bring in the bill, which was brought in accordingly, and read a first time.

HOUSE OF LORDS.

Monday, April 6.

Libel Law.] Lord *Erskine* said, he had last session moved for returns of the names of persons arrested and held to bail for libel, before trial; some of those returns had been made, but the whole had not yet been presented. It was his intention to follow up these returns by a motion or bill, if no proposition on the subject should be brought forward by a noble earl (Grey) who had already called the attention of their lordships to the subject. With regard to the object for which the returns were moved, he believed that it was now to be understood that arrest before trial for libel was the practice of some inferior magistrates. The law, however, ought not to be allowed to remain in a state of uncertainty on this point. It was not his wish to encourage any licentiousness of the press, but it appeared to him necessary to remove all doubt on this question. He should not, however, trouble their lordships with any proposition on the subject, until the noble earl to whom he had alluded came to town.

HOUSE OF COMMONS.

Monday April 6.

THAMES WATERMEN.] Mr. Alderman *Wood* said, that he had to present several Petitions from a very worthy and meritorious class of the community, whose interests he understood would be most materially affected by the projected bridge over the Thames near Rotherhithe. The petitions were all signed by the same description of persons, the watermen below bridge, who stated in their petitions, that their employment and consequent sole means of living arose from the conveyance of passengers and luggage upon that part of the Thames, situated at and in the neighbourhood of Cuckold's Point Stairs, and that should the bridge contemplated by an act now before the House be erected over that part of the Thames, their plying would be completely rendered useless and unprofitable. They farther represented, that they had acquired the right to ply upon the river by an apprenticeship of several years, and that the greater proportion of their body had, at one period or other, served with credit on board his majesty's vessels of war.

Mr. *Wrottesley* took that opportunity of suggesting to the court of aldermen, who had so extensive a jurisdiction in the affairs of the watermen, the urgent necessity there existed for raising the fares of watermen plying on the river. Every article of life had made several progressive advancements in price since the watermen's fares had been last increased, and they could not possibly earn a livelihood if they were to receive no more than their bare fares as established by law. The introduction of a bill to remedy this grievance, would, he thought, be much more becoming on the part of the corporation of the city of London, than giving any encouragement to complaints evidently levelled against the erection of works of public utility.

Mr. Alderman *Wood* replied, that although the court of aldermen had it in their power, by act of parliament to apply some relief as to the inadequacy of the present fares, still the court could not prevent, by raising their fares, the ruin which must ensue to the petitioners, should their plying be altogether cut off below bridge, as they apprehended. The petitioners, in fact, had prayed for an indemnity in the event of the bridge being allowed to be built, and it would rest with the House to entertain the subject or not.

Ordered to lie on the table.

COTTON FACTORIES BILL.] Petitions against the Cotton Factories bill were presented from Manchester, Blackburn, Rossendale, and Glasgow. Petitions in favour of the bill were also presented from Hebden bridge, Halifax, and Royton.

Mr. *Peel* said, he felt extreme satisfaction at having it in his power to lay before the House the petition he then held in his hand. It referred to the question of excessive labour in cotton factories, to which such frequent allusion had been made, in and out of the House. It was a petition from Manchester; the signatures affixed to it, amounting to 1,731, were of the very first respectability; and from the condition of the subscribing parties, it was impossible they could be stimulated to make this application to parliament through any thing like interested motives. He felt happy in introducing to the attention of the House a document containing that species of evidence, of which it had been asserted upon a former evening that the House was not yet in possession. Herein was contained the evidence of the constant eye-witnesses of the injurious consequences of excessive labour, and long-continued confinement in the cotton factories in that neighbourhood. It had been also a source of objection on a late occasion, that although there had been obtained the opinions of some distinguished physicians corroborating the general opinion, that such excessive application was extremely unfavourable to health, still these were nothing more than the speculative opinions of London practitioners, unacquainted, in point of fact, with the actual situation or condition of this description of mechanics. It had also been said, that the signatures affixed to former petitions had in some instances, been those of persons actuated by discontent, and even a spirit of Luddism. If any thing could remove these objections, he trusted it would be the present petition. It was in the first place signed by 1,731 of the most respectable inhabitants, who most feelingly deplored the distressing situation of those manufacturers, whose labour was not alone protracted so as even to trench on the hours absolutely necessary for repose, but exerted in a temperature of such excessive warmth that it must be considered highly prejudicial to the constitutions of even the most robust. They in the strongest terms remonstrated, from their knowledge of its prejudicial effects, against the practice of rousing children of extremely tender years from their beds at unseasonable hours, in the most rigorous season, to their unhealthy and unremitting labour. Amongst the signatures to this petition would be found those of the magistrates of the town and neighbourhood, amounting to seven in number;—of the physicians, nine—of the resident surgeons 21—of the clergyman of the district 20, of whom 17 were of the established church. One of the physicians had been 27 years in attendance on the Manchester Infirmary, and three of the surgeons had been 30 years. There was thus the authority of thirty medical men, resident in Manchester, who were of opinion that the hours of labour were excessive, and that the effect of that excess was most injurious to the individuals exposed to it. It was impossible that these gentlemen could be influenced by any motives, except those of humanity. If, indeed, they had any interest, it was in hostility to the bill, which was adverse to the opinions of so large a body of the inhabitants of Manchester. No one could, after this, assert that there was not satisfactory evidence before the House of the excess of labour, and of its injurious consequences.

Mr. *Philips* did not wish to anticipate the discussion on this subject, but he could not help observing that, under the circumstances of the case, the number of signatures to the petition was very small. As to the medical men of Manchester, he knew that great differences of opinion existed among them on this question. He had in his possession certificates from physicians, who formed their judgment on facts, and not on general impressions (as was probably the case with the medical gentlemen whose signatures were attached to the petition), and these certificates perfectly corresponded with what he had felt it his duty to state to the House, namely that in Manchester, the health of those in the factories was better than the health of those who were otherwise employed.

Sir *F. Burdett* warmly reprobated the practice of compelling children of a tender age, at all seasons, and in all weathers, to go to labour at four or five o'clock in the morning, and of keeping them employed until nine or ten in the evening. It gave rise to every description of evil, moral as well as physical; and he trusted that the House would not long delay taking some steps to put an end to so great a grievance. He hoped the hon. baronet, to whom the country was indebted for the bill in progress, would not allow any consideration to induce him to defer for one moment proceeding with it.

Lord *Stanley*, to show the mode in which statements were prepared, begged to refer to one which was published in the Manchester Exchange Herald of 31st March, and which had been sent to many members of parliament: — that in the Sunday-school Sick Society of Jersey-street, Manchester, out of forty persons relieved, thirty-three worked in factories; thus conveying an impression, that the unhealthiness of this employment, compared with that of others, was as thirty-three to seven, whilst the fact was, that the society consisted of 270 children, of whom 213 were employed in factories, 23 in other occupations, and 34 had not begun to work. The numbers relieved, were of factory children 33 in 213, or one in six 4-tenths; and of those in other occupations seven in twenty-three, or one in three 2-tenths: and as to the time during which those of each class remained chargeable upon the sick fund, it appeared that the factory children averaged at the rate of three and a half days each for the thirteen months to which the statement referred, and those employed in other occupations at the rate of five 3-fourths days each. The 34 children who had not begun to work, did not appear to have received assistance from the society's fund.

Mr. *Peel* said, that if the petition had not been more numerously signed, it was because the parties wished it should only contain the names of individuals who had no personal interest whatever in the question.

Ordered to lie on the table.

PETITION OF MESSRS. LONGMAN & CO] RESPECTING THE COPY-RIGHT BILL.] Mr. J. Smith presented a Petition from Messrs. Longman, Hurst, Rees, Orme, and Brown, booksellers and co-partners; setting forth,

"That the Petitioners are publishers of books and purchasers of copy-right, and since the passing of the act of parliament in July 1814, which enjoined the delivery of eleven copies of all books published after that time to the eleven libraries named therein, the petitioners have delivered to the said eleven libraries, on their demand, in pursuance of the said act, books which have actually cost to the petitioners the sum of 3,000*l.*, or nearly so, and of part of which books very limited impressions were printed, in some cases only 100, in others only 250, the copy-right whereof was of no advantage to the petitioners; in this statement they do not include books, the publication whereof is managed by other booksellers, and in which they have considerable shares; from the great burthen of the delivery, the petitioners have declined the publication of some expensive works, and especially a work of the Nondescript Plants collected by the celebrated baron Humbolt, during his travels in South America, and which they declined solely from the necessity they should have been under of delivering the said eleven copies without any remuneration; the petitioners feel this delivery to be the greater grievance, because they, like the other publishers of works, have to give many presentation copies to the friends of authors who may have assisted them with the loan of books and use of manuscripts, or by communicating important information or assistance; they are also, by the clause of a previous act made with reference to libels, compelled to deposit one copy with the printer of the work; the delivery of these eleven copies become now a serious object of every publisher's calculation, and will prevent the appearance of many valuable works; when the act that imposed the delivery passed, the petitioners were informed and fully expected that the said libraries would only demand the copies of such works as would be actually useful to them, and that it would not be harshly acted upon; but they have found to their surprise and most serious injury, that all the said libraries, with the exception of two only as to novels and music, have made a sweeping demand of all books published, whether reprints only, or original works, and whether written for children or females, and without any consideration whether the same work was in their library or not; the petitioners particularly instance here the new edition of Dr. Johnson's dictionary, with the additions and improvements of the rev. Henry John Todd, which is published in eleven parts, at the price of eleven guineas; although Mr. Todd, with a feeling which the petitioners could only applaud, presented a copy of the work himself to Sion college library, yet the managers of the said library, after receiving this copy, demanded, and notwithstanding the petitioners remonstrances, insisted on having another copy of the said work delivered to them in pursuance of the said act; thus compelling from the petitioners a second copy of the said work, though the full purpose of the said act had been in truth previously fulfilled by the said voluntary gift of its reverend editor; the petitioners, by the permission of the House, state that the present duty on the paper generally used in printing amounts nearly to 25 per cent which the petitioners pay on all the works they publish, and which makes it a great object of our national finances, that the publisher of books should not be by any cause discouraged; but the English universities who print books have not only the superior advantage of a perpetual copy-right, but have also a remission of the said duty on paper for all the books they print; this exemption from duty enables them to undersell all the regular booksellers in the public market in the books they print, which others also have the power to publish; the petitioners have lately, in conjunction with others of the trade, printed an edition of Scapula's Lexicon at a great expense, which had not been printed before in this country for 150 years; they are now informed that one of the English universities is preparing to oppose them by publishing also an edition of the same book, which the said university, by its exemption from the duty on paper, will be enabled to sell much cheaper than the petitioners can afford; eleven copies of the petitioners edition of this book have also been demanded and delivered; the petitioners believe that the continuance of the said delivery unmitigated, will occasion a gradual diminution in the publication of many valuable and important publications, and daily produce a heavy grievance to individual publishers; they therefore most respectfully pray the House to take these facts into consideration, and to relieve the petitioners and publishers in general from the burthen of delivering the said eleven copies without any remuneration, and they humbly submit to the wisdom of the House, that to require the said libraries to pay one-third of the published price of the books they demand will be a great relief to the petitioners and to literature in general, and will amount to no larger sum than the said libraries may easily raise by a small contribution among their respective members."

The Petition was ordered to lie on the table and to be printed; as was also a petition on the same subject from Messrs. Lackington & Co.

Leather Tax Repeal Bill.] After numerous petitions against the Leather Tax had been presented to the House, lord Althorp moved, " That the bill be now read a second time."

Mr. *C. Grant*, jun. rose, to move an amendment to the noble lord's motion. He hoped he should be understood to be influenced in the remarks which he should feel it his duty to submit to the House on the subject, by no other motive than his conviction of what was required by the general interests of the country. At the same time, with every feeling of respect for those individuals who had petitioned parliament for a repeal of this tax, he must say, that they came forward under very singular circumstances. For what was the peculiar situation in which the leather trade was placed during the last century? Taxation on every other trade had been greatly increased during that period. The wealth and power of the country had greatly increased. Yet since the reign of queen Anne, when the single duty on leather was imposed, no additional duty had been laid on leather until the bill of 1812. All the trades, and all the staple manufacturers of the country, and even many of the necessaries of life had been taxed to a great amount, while this article of leather had enjoyed the sole exemption from contributing to bear the common burthens of the state. And yet, if the House considered the subject, it would be difficult to discover on what possible ground this trade should have been so distinguished. The tax, however, having been doubled in 1812, the petitioners asked the House to place the trade in the situation in which it was a hundred years ago! At the very first view of the subject, the injustice of such a subject, with reference to the other branches of our national industry, was evident. If, indeed, it could be proved that the trade had suffered injury from the tax of 1812—if it could be proved, that the revenue had diminished in consequence of the imposition of that tax—if it could be proved, that the trade in leather had not the power (as was the case in all other trades) of throwing the burthen of the tax on the consumer—if it could be proved, that any depression which the leather trade had suffered, was not entirely attributable to other and general causes—then a *prima facie* case would be made out for considering the expediency of repealing the tax. But if the reverse of all this were true; if it could be proved, that the revenue (to which the advocates for the repeal had themselves appealed as the test of the measure), actually rose when the tax was first imposed, and continued to rise for three years—if it could be proved that the trader in leather had the power (like other traders) of throwing the burthen of the tax on the consumer—if it could be proved that any depression which the trade had suffered, evidently proceeded from general and notorious causes, wholly unconnected with the tax—and if, in addition to all this, it could be proved, that the leather trade was recovering from the effects of that depression so occasioned, it would be fair to presume that the supporters of the bill had no just grounds on which to require its adoption by that House.—He would now beg leave to call the attention of the House to some of the papers, with reference to this subject, which had been laid on their table. By those papers it appeared that the produce of the tax on leather for the year ending the 5th of July, 1812, was 363,891*l.*; the produce for the year ending the 5th of July, 1813 (after the imposition of the additional duty, which it was the object of the bill to repeal), was 654,356*l.*; the produce for the year ending the 5th of July, 1814, was 667,211*l.*; and the produce for the year ending the 5th of July, 1815, was 677,096*l.* So far there was pretty strong evidence that the tax had not injured the revenue, which, on the contrary, had been doubled by its operation. Was it then to be argued, that it was not in the power of the trader in leather to throw the burthen of the tax on the consumer? What was the fact? The price of the article had been raised more than in proportion to the increase of the duty. In 1812 it was nineteen pence a pound; two years afterwards it was twenty-four and twenty-six pence a pound, and this advance of course took place not only in the home consumption but on the exports.—Then came another part of the question. A depression of the leather trade did certainly take place in

1815. For the year ending the 5th of July 1815, he had already stated that the revenue derived from the duty on leather was 677,096*l.*: for the year ending 5th July 1816 it was only 599,958*l.*; and for the year ending the 5th of July 1817, it was 595,722*l.* But he would put it to any man who recollected the general state of the country at that period, whether, if he had not seen the returns in which this diminution of the revenue appeared, he would not have said *á priori* that such a diminution must have existed. The general and notorious commercial depression existed at that time and which bent down every trade in the country, of course operated on the leather trade among the rest. Would any man say, that if the duty on leather had not been imposed, that that trade would have flourished alone in the midst of the general suffering? Such an assertion would be preposterous, and untenable. Those persons argued on a totally mistaken principle, who imagined that any diminution of taxation at that period would have relieved the country from any of those circumstances operating injuriously on our general trade, which were so notorious, that it was not necessary for him to repeat them. Why should the depression of the leather trade be ascribed to the tax, when there were other causes of so much more powerful operation to which it might, with so much more justice be attributed—the general cessation of demand, and the particular cessation of demand from government, in consequence of the termination of the war—a most important cause of the effect which had taken place? And besides the causes to which he had adverted, there was another cause for the diminution of the revenue proceeding from the duty on leather, arising out of the provisions of the act of 1812. Prior to that act, tanners were not allowed to perform any operation on hides while they were in progress of tanning. There were superfluous portion of the hides which they were not permitted to remove, and the consequence was, that they were compelled to pay the duties on those superfluous portions. The hardship of this restriction having been represented it was removed by the act of 1812. In consequence, the tanner performed a part of the office of the currier. He removed those superfluous portions of the hides, of course he paid no duty on them, and the natural consequence was, the reduction of the revenue to a certain extent. This practice had become very general. It It was calculated by some that it diminished the weight of the hides by a half; but if it diminished it by a third, or even by a sixth, it still had a very operative effect on the produce of the duty. Another cause of the depression of the trade was the substitution in many cases of iron for leather. It could in no way be proved that the depression had been occasioned by the tax. He would go farther, and prove that the trade was actually reviving. The augmentation of the revenue, arising from the leather duties for the last quarter was 17,000*l.* If the House examined the returns of the revenue from January to January of each year, instead of from July to July, they would find a strong confirmation of what he had asserted. [The hon. gentleman here read the rereturns of each year from January to January, that for the year ending the 5th Jan. 1817, was 596,000*l.*; that for the year ending the 5th Jan. 1818, was 595,000*l.* collected, and 611,000*l.* charged, and in process of collection, all of which would certainly be collected.] The House had been told that evidence of the fact, that the leather trade was not flourishing, was to be found in the increase of the bankruptcies and the diminution of the licences. With respect to the first of those alleged proofs, he put it to the House whether it was not notorious that the general trade of the country, at the close of the war, was not speculative rather than solid? What was there in the tanning trade that was to exempt it from the general malady of the time—the love of over-trading? It was notorious that the tanners, like other traders, did enlarge their speculations, that like other traders they proceeded too rashly—and was it surprising that like other traders they should suffer in consequence. As to the reduction in the number of licences, that reduction had commenced when the trade was very flourishing, and the revenue derived from it at its height; and it arose from the circumstance of larger capitals being employed by some of the traders, by which the smaller capitalists were overwhelmed. One strong proof that the trade was not in the distressed state which had been represented, was to be found in the fact, that during the last ten years, the total amount of the failures in paying the duties levied upon it, did not exceed 2,000*l.* He repeated, that the diminution of licences had arisen from circumstances wholly uncon, nected with the tax. A similar diminution, and proceeding from similar causes, had taken place in the licences for carrying on the malt trade.—But it had been said, that the tax pressed heavily on agriculture and the necessaries of life. He, for one, was always solicitous to lean as lightly on agriculture as possible. But it was well known, that since the imposition of the tax on leather, agriculture had been relieved from several very great burthens. As to the necessaries of life, he knew that it was popular to inveigh against any measure by which they were immediately affected but the arguments used in support of this declamation, were generally more specious than solid. They were something like those which went to throw the whole weight of taxation on the rich, as if the poor would not be as much affected by such a proceeding as if they originally participated in the burthen. He was not prepared to contend that it was wholly immaterial whence the resources of the state were derived; but if it was found inevitable to lay taxes on all the other necessaries of life, he felt justified in requiring to know on what ground exemption was claimed for this? It was a question that ought to be determined on general and national, and not on particular and local considerations. It was a question peculiarly interesting as connected with that of our finances. On all hands it was allowed, that it was the duty of parliament to maintain public credit by supporting the revenue, and yet here was a proposition for reducing the revenue, by those who had so recently maintained that the revenue was inadequate to the demands upon it. The welfare of the country depended on the maintenance of the public faith. If, one by one, the securities of the public creditor were to be withdrawn, there would soon be an end put in peace to that high character which England had supported during all the dangers and difficulties of the most arduous war. On all these grounds he would move as an amendment, "That the bill be read a second time on this day six months."

Lord *Althorp* perfectly agreed with the hon. gentleman, that the prosperity of the country depended on supporting the revenue; but he thought it a very material duty for that House to support the manufactures from which that revenue was derived. He had not heard any thing to convince him of the policy of continuing this tax; but, on the other hand, he was fully persuaded that it was very injurious to the manufacturers, and to the consumers. The noble lord then went briefly through some of the arguments which he had urged on introducing the subject to the House, and contended that the diminution in the number of hides purchased by tanners, was a convincing proof of the depression of their trade. The hon. gentleman had said that it was occasioned by the cessation of war; but that had not been the case in other wars. A review of all the details manifestly showed, that a repeal of the additional duty was indispensably necessary.

Lord *Deerhurst* did not intend to trespass above a moment on the attention of the House, in treading afresh the track so beaten already, by a recapitulation of the arguments which had been, he hoped, successfully used by the noble lord who had originally moved the question, and by other honourable members who intended to vote as he did, for the repeal of the additional duties on leather. It was not his inclination to oppose, upon trifling grounds, the taxation considered necessary by his majesty's ministers; but representing, as he did, a great commercial city, deeply interested in the present debate, he could not give a silent vote without stating, that the repeal of the additional duties on leather was of great import to many highly-respectable persons connected with that trade in Worcester, who prayed to be relieved from the burden of it, that they might, at least upon equal terms, meet the foreign manufacturer in the market, which they were unable to do with the additional duties in force, as they at present stood. He should therefore vote for the repeal of the bill.

Mr. *Hart Davis*, amidst loud calls of question! said, he merely rose to explain the vote he should give that evening against the repeal, having formerly voted for the repeal of the tax [Hear, hear!]. During the holidays he had taken great pains to inquire into the state of the leather trade, and the result of his inquiries among the most intelligent men was, that the repeal called for was unnecessary. He held in his hand a letter from a very eminent tanner in Bristol, who had as thorough knowledge of his own interest as any other man in the trade.—Here the hon. gentleman read an extract from the letter, which set forth, that the town and neighbourhood of Bristol had not petitioned for any repeal, from a conviction that neither the manufacturer nor the consumer required it, and also because there was at present a visible alteration and improvement in their business: it farther stated, that the reduced amount of the duty paid by tanners for the last year or two, was not occasioned by a falling-off in the trade, but to the large manufactured stock on hands, from the extensive purchases made from South America after 1812, and which being laid in largely under favourable circumstances, answered for the years during which the reduction alluded to had occurred. At present, though the number of tanners had decreased, the trade was in an improving state. The decrease in the number of tanners was to be accounted for from the trade getting into the hands of greater capitalists. In consequence of the opening of new roads, the communication from the places where bark was obtained and the great towns, was greatly facilitated, and the trade had in consequence been getting more and more into great towns, and into the hands of great capitalists.—From having received better information, he did not think that the state of the finances of this country, at the present time, would allow the repeal of this tax; nor did he think, if it were repealed, that ministers could do without some other tax to an equal amount in place of it.

Mr. *Methuen* said, he never knew so strong a feeling in the country against any tax, as there was against that which it was now proposed to repeal. He believed, that were they to search all England over, they would not be able to find one tanner in favour of the tax, except the tanner who had corresponded with the hon. gentleman who spoke last.

Lord *Compton* contended, that the argument used by an hon. gentleman, that no additional tax had been laid on the leather trade from the reign of queen Anne to the year 1812, was most unfortunate for his side of the question; for it proved the view which the different chancellors of the exchequer, who had succeeded each other during that period, entertained of that subject. Had they thought such a tax justifiable, they certainly would not have been so long without imposing it.

Mr. *Marryat* begged to explain his vote, which, instead of being opposed to that he had formerly given, like that of the hon. member for Bristol, would be in perfect consistency with his former opinion. Respectable as might be the opinion of the hon. member, and of the tanner whom he had consulted, he could not help thinking that the House had a far better criterion to go by on a subject of this kind, and that was, the opinions of the tanners throughout the country, who, in hundreds of petitions, had laid their grievances before the House. It would have been as well, in viewing the subject, if the hon. gentleman near him (Mr. Grant), instead of dealing in general principles, had confined himself to particular facts. He would have then found, that the export of the unmanufactured article had doubled since the additional duty, while that of the manufactured had decreased to less than one-half what it had previously been. For the five years prior to 1812, the amount of unmanufactured export was 5,603,395 lbs. weight; for the five years since it was double; namely, 10,710,073lbs. During the same periods, the export of the manufactured article was, before 1812, 2,449,720 lbs.; since, it was less than one-half that amount; namely, 1,142,111 lbs. so that the operation of the act was to double the export of the raw material, and to reduce, in the proportion of one-half, that of the manufactured article. The foreign manufacturer was, therefore, thrown into other countries. Of course, a great home consumption must necessarily continue. But how was it carried on? Was it not obvious that the sum thus raised was drawn from one pocket into another? The poor, therefore, paid their part of it; and the rich were obliged, in the shape of poor-rates, to supply the means thus withdrawn from the lower classes, by an impolitic tax of this kind. The wealth of the manufacturer was the great source of the revenue, and by his industry and activity taxation was largely supplied for the interests of the state. This tax vitally affected the reproductive power of the manufacturing interest, and it only wanted three or four such injudicious imposts to cut up by the roots the resources of the state. He should, therefore, vote for the repeal.

Mr. *Benson* said, that the hon. member for Bristol had urged as a reason for the new view which he took of the present question, a letter which he had received from a person extensively engaged in the tanning trade. The hon. gentleman had said, that the writer of that letter had a perfect knowledge of his own interest; and he thought he might say, that the hon. gentleman, in voting for the repeal of the tax, and then so suddenly voting against it, had also a perfect knowledge of his own interest [Cry of Order!]. From the inquiries which he had made into this business during the recess, his former opinion was confirmed. Had he had any doubt respecting it, from the evidence of the gentlemen brought forward by government in favour of the tax, he should have drawn the conclusion, that its repeal was essential to the interests of the country.

Mr. *Hart Davis* wished to ask the hon. gentleman, upon what grounds he had presumed to impute to him, the being actuated by improper motives in any vote which he should now give, or which he had ever given in that House.

The *Speaker* observed, that the language of the hon. gentleman fairly bore the interpretation which had been put upon it. It was a language which, by the rules of the House, the hon. gentleman was not warranted in holding. The words made use of by the hon. gentleman certainly conveyed a personal reflexion against the hon. member for Bristol; and he should be wanting in his duty if he did not now declare his opinion on the subject.

Mr. *Benson* said, that if by the language he had used, he had given any offence, it was very much regretted by him. Nothing could be farther from his intention than to convey any personal reflection against the hon. gentleman. All that he had meant to say, with respect to the conduct pursued by the hon. gentleman, was, that as when he gave his former vote, it was supposed we were on the eve of an election, this circumstance had had its influence. He did not mean any thing personal to the hon. gentleman; but that, with the view of standing well in the opinion of his constituents, he had made use of a little manœuvre which all of them understood very well.

Mr. *Lushington* said, that the result of the inquiries he had made were very different from that expressed by some hon. gentlemen opposite. The sense of all the tanners whom he had consulted upon the subject was in favour of the tax. On an average of five years before the imposition of the tax, the drawback on the exportation of leather amounted to 52,000*l.*; but if the consumption of leather since that period was less, and the exportation something more, was it fair to say that the tax was the cause of it? The consumption of leather, like that of every other article, had decreased from what it was in time of war; the diminution in the consumption of that article, ought not, therefore, to be charged as a consequence of the tax. It was generally known, that the leather tax was in a flourishing state at present. The tax was a productive one, and therefore ought not to be repealed upon unsupported statements. He was aware that it was the interest of the leather manufacturers to have the tax repealed, and he was not surprised that they should so earnestly persevere in petitioning for that purpose, as it would in fact be taking 160,000*l.* from the public and putting it into their own pockets. But could that be advanced as a parliamentary reason for the measure? If the tax was repealed, some other tax must be laid upon the public to replace it, and which would perhaps be more severely felt than the present. The noble lord who introduced the question had used many observations in support of it, but none of them seemed to answer his purpose; at length he said, that the number of persons employed in the leather trade had considerably decreased since the imposition of the leather tax, which, according to the noble lord's statement, was a strong argument in favour of its being repealed. But allowing the number of manufacturers to have decreased, it was by no means calculated to support the proposed measure, if he could show to the House, that though the manufacturing of leather was placed in the hands of a fewer number of capitalists, yet the whole amount of the manufactured article had increased, and was still increasing. If this was found to be the case, it would turn out that the public, instead of being injured, would be benefited by the alteration; as the business, being carried on upon a large scale and by persons of large capital, leather would be sold at a price which smaller manufacturers could not afford to do. To prove that the whole amount of the manufactured article had increased, he would instance the case of Messrs. Brewil and Co. whose business had increased five or six fold within the last few years. If the noble lord on the other side of the House doubted that statement, he would read over the account. Here the hon. member read the account, which stated, that in 1809 the taxes paid by Messrs. Brewil and Co. amounted to 1,973*l.*, in 1817 they amounted to 5,937*l.*, and in 1818, 6,716*l.* Thus, though there was a decrease in the number of manufacturers, the business of the smaller number was equal if not greater than the whole was when there were more persons carrying on the leather trade. The noble lord was also aware that leather had lately risen from 15 to 20 per cent, which showed that the trade was increasing. Besides, the tax did not fall on the tanner, but on the public. An excise officer marked the quantity of the manufactured article, after which the manufacturer was not called on for the tax until the leather was disposed of, so that in fact, it was no real inconvenience to the manufacturer. His hon. friend who had opened the debate, had entered so completely into the subject, that he did not think himself justified in going into it much farther. For a century back the leather trade had had no additional burthens, when almost all other trades had been loaded with them; and the trade was now in a very prosperous condition. The drawbacks that had been granted had given so much satisfaction, especially to curriers and shoemakers, that they had declared it to be their desire that the leather laws should undergo no alteration, and that the pretences under which a repeal of the additional duty was sought to be obtained were scandalously false.

Mr. *Brougham* said, that there were one or two things which had fallen from the hon. secretary to the treasury, which he could not suffer to pass unnoticed. He had argued, that if this tax was repealed, another to an equal amount must be imposed. This he denied. It was proper to repeal this tax, but it was not necessary to impose another instead of it. How had they proceeded on an occasion precisely similar? The House had been pleased two years ago to repeal a much larger though not a more oppressive tax. Till this tax was repealed, ministers found it impossible to reduce any of their estimates, but immediately after the repeal, they took back all the estimates, and made considerable reductions in many of them. Why might they not now imitate their former conduct? Why might they not now take a leaf out of their own book? Instead of taking an additional tax, let them go to the establishments, and take them down 180,000*l.* He observed from the countenance of the hon. gentleman at the head of the woods and forests (Mr. Huskisson), that he thought this a very absurd proposal It was true the estimates were given in, but not one estimate had been absolutely voted. If the establishments were to be kept up at their present pitch, it might be necessary to substitute some other tax to the present; but there was a motion of a noble friend of his, which, if carried would have the effect of producing a much greater reduction of expense than 180,000*l.* namely, a motion for a reduction of 5000 men from our military establishment. He was astonished that the hon. secretary to the treasury should cite the trade of Messrs. Brewil to prove the innoxious nature of the tax, when the tanners of the country, one and all, with the exception of the correspondent of the member for Bristol, said, if the tax was not repealed, their trade would be ruined. He was not a little astonished that this letter should have been given by the hon. gentleman as a reason for his change of opinion. He did not wish to impute any improper motives to the hon. gentleman—to impute such motives to any hon. member was certainly unparliamentary. But he confessed, at the same time, that it did surprise him that this letter should be given as a reason for a change of opinion [No, no! from Mr. Hart Davis]. What! did not the hon. gentleman give the letter of the tanner of Bristol as a reason for his change of opinion [No, no! from Mr. Hart Davis]?—Then, if he did not give that letter as a reason, he had given no reason at all for his change of opinion since his vote of the former night. He had used no argument—except the tanner's letter. But besides the tanners, was there not another class interested, namely, the consumers? "Don't listen to the tanners," said the secretary to the Treasury, "the tax does not fall on the trade, but on the consumer—the tanner has no occasion to complain; he can shift the tax from his shoulders to those of the consumer." But, might it not happen that both consumers and tanners had ground to complain? The consumers might complain, that their ability to consume was diminished—because, by diminishing their ability to consume, the tax abridged their comforts. From the consumers being less able to buy from the tanners, the tanners might also have reason to complain—the consumers were suffering from the diminution of their consumption, and the tanners from the diminution of their manufacture. But his great objection against the tax was that it fell unequally—that it pressed most severely on those who were least able to bear it. Every tax on the necessaries of life had a direct tendency to increase the price of labour; and the effect of any tax like this, on a necessary of life, was immediately felt in the increased price of labour of all those who used it. While they were raising, therefore, this paltry sum of 180,000*l.* with one hand, they were obliged to put their other hand in their pocket to pay it. But besides, all the objections applied to it which applied to a poll tax—a poll tax, indeed, it was, except that it was laid on the feet instead of the head [laugh]. Every person paid so much, let his occupation be what it might. The peasants, who wore the heaviest shoes, were the highest taxed by it. As the tax was laid on by weight, they paid twice as much as those who now heard him, who wore lighter shoes; coarse leather paying as much as fine. All the objections against a poll tax, therefore, applied to it. It was a poll tax of the worst kind, falling most burthensome on those who were least able to bear it. These were the grounds on which he had been an humble opponent of the measure in 1812, and these were the reasons on which he should support the present bill.

Mr. *Huskisson* wished to explain an error into which he was surprised the hon. and learned gentleman had fallen. He had said, that if this tax were taken off, the House might proceed as they had done before, without substituting any other. If the hon. and learned gentleman alluded to the property tax he was totally mistaken. There was an obvious distinction between a tax only for the duration of the war, and this tax which formed part of the Ways and Means, and was carried to the consolidated fund for the payment of the interest of the debt. This tax, he must inform the hon. and learned gentleman, formed no part of the supply of the year, and whether they were to abate 5,000 or 10,000 men, there would be no difference respecting it, as it was pledged for the payment of the interest of the loans granted on the faith of parliament. The whole amount of the permanent taxes carried to the consolidated fund were not equal to the charge on it; and therefore every body must see that the tax could not be repealed without the substitute of another. If there had been an excess of the consolidated fund above the charge, it might have been another matter; but there being no such excess they were bound in justice to the public creditor, to see that if they repealed this tax, they carried to the consolidated fund an equal amount of revenue. The hon. and learned gentleman was for having all taxes on necessaries of life done away with. The taxes on beer and malt were on necessaries for life—the whole of a large revenue of twenty millions a year, might be said, therefore to be raised on the necessaries of life. Was the hon. and learned gentleman, in pursuance of his fanciful theory, anxious that the whole of this large revenue should be done away? It had been said, that if the excise regulations, by which the trade was impeded, were repealed, the process of manufacturing might be improved, as it formerly was in France. But this argument did not apply; for it was not proposed to repeal all the tax on leather, but the additional tax only. The repeal of the additional tax would cause the same regulations to be continued, with less advantage to the public. He had read all the statements and listened to all the arguments which had been used against this tax, and he confessed that if the House had been in a condition to perform the agreeable duty of repealing taxes, the leather tax was not that of which he should be the first to recommend the repeal. It was obvious, and it had been argued by the hon. and learned gentleman, that the burthen of the tax did not fall on the tanners, but, as in the case of all consumable commodities, on the public, who were the consumers. Yet, if the hon. and learned gentleman read any of the statements which had been put forward on this subject, he would see that those who were most active in demanding this repeal, grounded their enmity to the tax upon this, that the tax could not be thrown from the manufacturers upon the consumers. The only circumstance which gave a show of an argument in favour of this bill, was, that the tax had been laid on almost immediately preceding a time of great pressure. But a much stronger statement might be made out in favour of the repeal of any other part of the excise duties. In the malt trade, for instance, since the additional duty had been repealed, there had been a diminution of the number of licences, an increase of the number of bankruptcies in the trade, and a diminution of the produce of the old duty, from three millions to less than 1,900,000*l.* The noble member for Northampton had said, that he should vote for the repeal of this tax, as well as the salt tax, in order to compel the ministers to resort to the property tax, or some other direct tax. But he hoped the noble lord, before he consented to repeal this tax, would be confident that his new associates would consent to the imposition of some tax in place of it. In this case, as in the case of all commutations, the consumers would not be beneficed to the whole extent of the tax remitted. In consequence of the additional tax, there was an additional quantity of capital employed in the leather trade, and till that capital was shifted to some other employments, the dealers would charge their customers with the interest of it. The right hon. gentleman then went over the various arguments that had been urged by the gentlemen opposite, and insisted, that on all the grounds, it was the interest of the tanner alone that was consulted. This was a trade that had suffered in common with all others in consequence of the return of peace, and, like all others, it was gradually reviving. But it was rather at the interest of the public that the House ought to look, than at that of individuals; and for the interest of the former he would say, do not consent to repeal this tax, as they will not have the benefit of it. He would maintain, that a greater injury could not be done to the public than by experiments of commuting taxes on articles of consumption, as they would not diminish the price to the consumer. There was no tax, in fact, that could be repealed with full benefit to the public, except direct taxes, and if any reduction could possibly be made, these should be the first that ought to meet consideration.

Lord *Compton* said, he had not pledged himself to support the repeal of the salt tax; but in general he preferred direct to indirect taxation.

The question being put, "That the bill be now read a second time," the House divided: Ayes, 130. Noes, 136. The second reading of the bill was consequently put off for six months.

PARDONS UNDER THE GREAT SEAL.] Mr. *F. Douglas* said, that as he understood no opposition would be made to his motion for leave to bring in a bill to diminish the fees on Pardons under the Great Seal, he should make only a few observations. The amount of the fees to be paid on all such pardons was much greater than those who had not taken the trouble to inquire into the subject could probably imagine. They amounted to 110*l.* on each pardon. It was obvious, that the great majority of those who received pardons, could not pay this expense, and the House might be curious to know how the difficulty had been got over. In fact, very few of those to whom mercy was extended, obtained this complete pardon, which alone could make them competent witnesses in a court of justice. There had been only twelve pardons during the last seven years; and he was convinced, that in consequence, great impediments had been thrown in the way of public justice. He could not better illustrate this than by stating the circumstance which first called his attention to the subject. In the district of Oxfordshire with which he was connected, some of the worst sort of crimes had been committed for some time with impunity, and there was at last a prospect of bringing the perpetrators to punishment by means of the evidence of a man who had formerly been convited of a felony. The act of the 31st of the king, which made persons who had been convicted of larcenies competent witnesses did not apply to felonies, and it was necessary to sue out the pardon under the great seal. The parties who conducted the prosecution were, however, astonished, when they found that the expense of this pardon would be 110*l.* in addition to the other heavy expenses which they were obliged to incur, and they were almost deterred from pursuing their object finally, they did proceed, and were thus subjected to a considerable burthen. The hon. member observed, that if there were any thing in the case or character of a person convicted which rendered it proper to extend to him the mercy of the Crown by the grant of a pardon, it was too much to say that such person should be compelled to pay the expense which at present attached to such a grant. To remove this evil was the object of the bill which he meant to bring forward. He did not think it proper to extend the provisions of the act of the 31st of the king to felons, and therefore he felt the necessity of another course of proceeding, in order to guard against the mischief, on the one hand, of allowing the officers of the Crown to derive pecuniary benefit from the extension of the royal mercy; and on the other, to provide that persons should not be exempted from that mercy, merely because they had no pecuniary means. The hon. member concluded with moving, "That leave be given to bring in a Bill for diminishing the Expense of Pardons under the Great Seal."

The *Attorney-General* said, that he did not mean to oppose the motion; but from what the hon. member had stated, he felt it necessary to submit a few observations. The patents for pardon, the object of which was to restore convicts to their civil rights, were patents under the great seal, which were, in fact, subject to no more expense than was incurred for all other patents under the same seal, and that expense was necessary for purposes easily to be explained. One part of this expense was required to reward the clerks in office, for their trouble in doing the business connected with those patents; another to pay the stamp duties imposed by the legislature. Those duties on each patent amounted in one office to 6*l*., and in another to 30*l*. The portion of the sum received for the warrant of pardon in the secretary of state's office was invested in what was called the Fee Fund, out of which the clerks engaged in this branch of the business of that office, and the law officers of the Crown, were rewarded for their trouble. There was also a part of the expense incurred for a patent paid into the privy seal office. But it should be understood, that the greater part, if not the whole of the expense stated by the hon. member independently of the stamp duties, was paid for duty actually done in the several offices to which he had alluded. The propriety of providing a remuneration for such trouble, or performance of duty, was, indeed, felt by the Crown itself; for whenever it was found absolutely necessary to pardon convicts, with a view to render them competent witnesses for promoting the ends of justice, the expense of such pardons was paid by the Crown itself. But where a pardon was granted from favour—he did not mean from improper favour, but through peculiar circumstances connected with the case or character of the individuals—it was proper, he submitted that the expense incurred by such pardon should be defrayed by that person, and that the clerks in the several offices should not be called upon to do business for nothing. For although those clerks might, in such cases, be said to have little else to transact than mere matters of form, requiring no talent, still their time was employed, and for such employment they were, in justice entitled to remuneration. It was known that some clerks in the secretary of state's office, as well as the clerk in the attorney-general's office, reckoned upon the fees resulting from patents as a part of their salaries for labour actually performed. Whatever might be done upon this subject, he thought that a distinction ought to be made with respect to pardons granted on patents obtained through special grace or favour. The hon. and learned gentleman concluded with observing, that the hon. mover had not been able to make out any case in which pardons were ever made a matter of traffic, or that a pardon was ever granted from any consideration of official emolument.

Leave was given to bring in the Bill.

HOUSE OF LORDS.

Wednesday, April 8.

Water Companies.] The Earl of Shaftesbury presented a Petition from the Grand Junction Water Works' Company, observing at the same time, that there was a measure in progress in another place, which would probably soon bring under the consideration of their lordships, questions connected with those which formed the subject of the present petition. It was stated among other things in the petition that the company had embarked a capital of 300,000*l*. in the concern; that they had been put to great expense, in consequence of the pavement act of last session requiring them to lay down iron instead of wooden pipes; that they desired only to obtain a fair profit on their capital; that they had been under the necessity of narrowing their operations, and concentrating their powers, in order to enable them the better to supply the inhabitants of the districts near their works with water, and to afford them security against fire; that they were surprised to find that what they had done in this respect had excited an alarm of their having entered into a combination with other companies, which was not true. The petitioners therefore prayed, that their lordships would be pleased to appoint a committee to inquire into their proceedings and conduct, under the act by which they were incorporated.

The Earl of *Lauderdale* thought himself called upon to take some notice of this petition. In consequence of what had been said a few days ago by a noble earl not then in his place, he had taken the liberty of stating his opinion on what appeared to him to be very extraordinary conduct on the part of certain water works. These water-works, he understood, had, by agreeing to form a junction, violated that principle of fair competition, to establish which had been the object of parliament in passing the acts by which they were incorporated. The day after he had stated his opinion on this subject, he had received a letter from a gentleman, who, he understood, was the secretary of the petitioners, in which that gentleman expressed his surprise that any statements of the kind should have been brought forward under a total want of information. Though this was not precisely the way in which a member of that House ought to be addressed in reference to any subject which he might feel it his duty to notice, yet he thought it right to see the writer of the letter, and had some little conversation with him. The result, however, was that instead of finding his previous opinion wrong, he was more firmly convinced of the truth of the fact, that the companies had combined to divide the metropolis between them. The inhabitants suffered severely from this combination. He had received a letter from a householder in one of the districts supplied by these combined companies. This person had first paid 28*s.* a-year for his water, but another company offered to supply him for 24*s.* On his stating this to the company by whom he was served, they agreed to reduce their charge to 24*s.*; and at that rate he was regularly served, until the combination complained of took place, when the price was again raised to 28*s.* In that district of the metropolis with which a noble friend of his (the duke of Bedford) was particularly connected, he understood it was a general complaint of the tenants that they were confined to one water company. While there were two rival companies, there was some security that the public would not be imposed on; but as the matter now stood, a monopoly was established, and he was sure that their lordships must feel that it was impossible for them to consent to such a state of things, unless they meant to take into their consideration the supply of the metropolis with water, and to fix the fair price at which that first necessary of life ought to be sold to the inhabitants. It was not long since these companies had in vain applied for leave to consolidate their corporations; but they had now, by their own private arrangements, accomplished what parliament had refused to allow them to do. It appeared to him, that if ever there was a case proper for the deliberation of parliament, this was one. The noble earl who presented the petition had alluded to a proceeding in another place, which was likely soon to come under the consideration of that House. If the measure referred to did not come before their lordships, he could only say that they would not do their duty, if they separated at the end of the session, without some decision on this most important subject.

The Petition was ordered to lie on the table.

HOUSE OF COMMONS.

Wednesday, April 8.

PETITION OF MESSRS. CADELL AND DAVIES RESPECTING THE COPYRIGHT BILL.] A Petition from Messrs. Cadell and Davies, booksellers and publishers, was presented; setting forth,

" That the Petitioners having observed that a bill has been brought into the House to modify the burthen of delivering eleven copies of books to certain libraries, as directed by a preceding statute, and that several petitions have been presented on the subject, are desirous to state how heavily they are affected by the said delivery; the petitioners at an expense of much greater magnitude than usually attends the publication of books have published a work, intituled, " Murphy's Arabian antiquities of Spain," consisting principally of 100 plates, with some descriptive letter press of the most interesting and important remains of Moorish architecture in Spain; from the cost of the said work, it was necessarily published at the price of 40 guineas, and as it consisted wholly of plates, with no other letter press than a few lines to each describing its contents, the petitioners hoped that they would not be subjected to the grievance of delivering the said 11 copies, which, at the publishing price, would have amounted to 440 guineas; but they are informed that the addition of the letter-press description makes them liable to such delivery, and 8 copies thereof have been already demanded; that on eight other works, that is to say, the Gallery of portraits, Lysons's Cornwall, Cumberland, Derby and the Britannia Depicta, Dr. Clarke's Travels, Farrington's Lakes, and Drake's Shakspeare, the delivery of the said 11 copies have amounted to the sum of 338*l.* 12*s.* at the lowest wholesale price; the petitioners have also found that the burthen of the delivery on all the other books which they have published has been a yearly grievance of very considerable amount, while all the expenses of their trade, and of publishing in general, continue unabated, and, as far as the petitioners can ascertain, no advantage of any sort has accrued to them as booksellers from the said delivery, nor do they believe that it increases the circulation of books; on the contrary, it appears to them that many persons read the works in these libraries who would otherwise have been purchasers, and they are satisfied that it is daily operating to discourage authors and artists from undertaking several works, which, but for the delivery, they would have risked: the petitioners, therefore, respectfully beg the indulgence of the House to permit them thus to represent the grievance of the delivery of these 11 copies, both to themselves and to others, and to hope that the House will remove the same, or at least materially diminish it, by enacting that some portion of the published price of each book should be paid by the library demanding the same, or that the House would grant such other relief as in its wisdom shall seem most expedient."

Petitions from certain Authors and Composers of Books respecting the Copyright Bill.] Lord Althorp presented a Petition from certain persons, the Authors and Composers of Books; setting forth,

"That the Petitioners, observing that notice has been given in the House, and their leave obtained, to bring in a bill to amend the statute passed in the 54th of his majesty, which enacted the delivery of 11 copies of all books printed and published after the passing of that act to the eleven libraries or public bodies therein mentioned, request the permission of the House to state their view of the grievances which this compulsory delivery has produced, and to solicit such relief as to their wisdom shall seem most expedient; the petitioners humbly submit, that by the common law of this country, and by the decision of its highest court of judicature, as well as by the principles of natural equity, and by the analogy of every other species of property, they would have had, if no statute had passed on the subject, an exclusive right to the copyright of their several works, and to all the benefit and produce arising from their sale, as every other subject of this kingdom enjoys as to all his effects and possessions; but the legislature of this kingdom having formerly thought it right to limit the enjoyment of this species of property, has now extended that limitation to the term of 28 years, or of the author's life if he should survive that time; the petitioners are grateful to the equity of parliament for this extension, and only regret that it was accompanied by the enactment that eleven copies of all publications should be delivered on demand for the eleven libraries mentioned in the said act; the petitioners submit that the equitable right of the said libraries to these copies is quite distinct from the right of authors as to their copyright, the delivery of these copies rests merely on the enactment of the statutes on that subject, and is founded upon no previous right, for, as to the ancient contract alluded to between sir Thomas Bodley and the Stationers Company in 1609, it was an engagement between those two contracting parties for reciprocal objects then in view, which do not now subsist, and binding only themselves, and confined to only one of the said libraries; but can by no construction of law, or rule of equity, be justly extended to the petitioners, and the authors in modern times, who have no connexion either with the Bodleian library or the Stationers Company; the petitioners therefore submit, that this compulsory delivery is unjust in its principle, as it invades the great rules of law and policy which assure to every one the unmolested enjoyment of the produce of his labour and acquired property; and that it has this additional objection, that although every publication is not under the same circumstances of expense, circulation, or importance, yet the compulsory delivery is imposed without discrimination on all; the petitioners believe that it operates materially to the injury of authors, and to the discouragement of future publications; the petitioners cannot change the established custom of the printing profession of charging for printing any number less than 250 the price of printing 250; and therefore, to print eleven copies beyond any regular number incurs the charge of printing 250, and to deliver eleven copies out of the regular number printed of any work is a subtraction from the petitioners and their assigns of the whole trade sale price of those eleven copies when the impression sells, and if the impression should not sell, yet the petitioners are aggrieved by the loss of the amount of the paper, and printing of so many copies; and they submit, that if this amount be in some cases not large, yet it is considerable in the aggregate of the whole quantity demanded, and no law of any country has made the amount of any property the measure or the standard of right and justice respecting it, the smallest quantity of value is protected to every one as much as the greatest, the legal right is the same whatever be the pecuniary amount, and all penal codes for the preservation of property, are founded on this natural principle, so essential to the general welfare of society; as far as the petitioners can judge, the delivery of these copies also operates to injure the sale of many books; it not only takes away the eleven libraries as purchasers of those which they demand, but, by the books being deposited in so many public libraries in the three great metropolitan cities, and the principal universities and libraries of of these kingdoms, it enables a great many individuals to gratify their curiosity without purchasing the publication, and such members are satisfied with a temporary perusal of works daily issuing from the press; and the petitioners believe that the sale of several useful publications has been thereby greatly lessened; the petitioners are also satisfied that it makes the booksellers more averse to undertake the publication of expensive and of many important works; the price of the eleven copies taken away now becomes a material object of their calculation, and some have, on that account, declined the risk of publishing; the delivery also leads the booksellers to diminish the compensation to authors for their copyright in works where popularity is not certain, which is the case with most, and especially books of labour and expense, and as far as it operates to increase the price, it tends thereby to injure the sale; it prevents authors from receiving from their booksellers so many copies as they wish to give to their friends, and therefore it is a deduction of so much from the general produce and benefit of literature, which are already sufficiently uncertain, and in the great majority of instances exceedingly scanty; the petitioners are therefore decidedly of opinion, that the continuation of the demand and delivery of these copies without some modification, will discourage the future composition and publication of works; many valuable works are every year composed of great importance to science and learning, which from their expensive nature cannot be published unless booksellers can be found who will undertake the risk of the publication; but the petitioners are informed that the necessity of delivering these copies has occasioned some booksellers to decline the publication of some useful works whose sale was precarious; many authors are now projecting expensive works which the burthen of the delivery prevents them from undertaking, and the petitioners are satisfied that it will operate hereafter to prevent such works from being undertaken at all; the petitioners humbly submit, that in this great commercial and wealthy country, reputation alone cannot be a sufficient stimulus to authors to compose or publish valuable works, and more especially those which involve much expense; the affluence of the country operates not only to make the annual expenditure for subsistence considerable, but also to enhance the charges of every publication; the same prosperity, of the country leading to costly habits of living, prevents men of literary reputation from holding the same rank in this country that it obtains in some others; justice also to the family who have to derive their nurture and respectability from the paternal labours, compels the parent to devote some portion of his attention to pecuniary considerations; hence an author can rarely write for fame alone; and every subtraction from his profit, and every measure that will diminish his ardour to prepare, and the readiness of booksellers to publish his work, especially as so many require such large sums to be expended and risked upon them, is an injury not only to authors, but to literature itself; the petitioners submit, that there never was a period in the history of the world, in which the people of every country have been more strongly emulous of each other, in scientific and literary attainments, than they are at this moment; and not only great national celebrity arises from superior excellence in works of art and literature, but it may be considered to be equally true, that whatever discourages or obstructs the progress of literature, in any country, will produce in time a national inferiority, and those political effects will be severely felt, when they will be with much difficulty remedied; the petitioners have been surprised to find, by the return of the list of publications entered at Stationers-hall, which has been laid on the table of the House, that copies of all that have been entered have been indiscriminately demanded by the said eleven libraries, with the single exception that two of them, and two of them only, namely, the Advocates Library and Trinity College, Dublin, have not demanded music and novels; the petitioners have remarked this fact with astonishment and regret; that all the promiscuous medley of modern publications should be incorporated with the important works that were formerly deposited in these libraries, and should there be open to the perusal of the most distinguished and most lively youthful minds of this empire, whose judgments have to be correctly formed, and should be there transmitted with all their sanction to posterity, seems to the petitioners to be incompatible with the objects and policy of those venerable institutions: if they be demanded and not deposited, then authors and publishers are burthened unnecessarily; and if all be deposited and read, the petitioners think, that if it be recollected how many multifarious theories, speculations, discussions, and doubts, are daily arising in society, and daily investigated in public by the press, an indiscriminate demand and compulsory delivery of every publication, must tend to lead the impressible minds of the educating youth (who cannot have yet attained that solid judgment which time alone can create), to imbibe and nourish whatever spirit of change, desire of novelty, or projects of innovation, the conversations and incidents of the day may excite; without this delivery, no publication is purchased till it is wanted, and the expense of the purchase diminishes curiosity; but the delivery brings before the eyes of the educating youth of this country, and their instructors, books that they would not else have noticed, and perhaps not have heard of, books often highly useful and important in themselves, but not advantageous to the young and inexperienced mind; the petitioners respectfully submit, that it is of the highest importance to the interests of our venerable universities, and the other valuable seats of knowledge and learning, that the utmost harmony of feeling should be established and perpetuated between these respected institutions and the intelligent minds that now abound and are increasing in the British community; but the petitioners feel that this promiscuous demand and delivery tends to diminish this desirable harmony, because it creates a sense of grievance on the one side, unmitigated by any perception of a public good resulting from its continuance: and the petitioners are informed, that in no country of Europe, nor in America, are so many copies taken from authors and publishers as by the enactment above mentioned, although in those countries much larger editions are printed and sold than can be disposed of in this kingdom; books are also printed abroad at so much less expense than in Great Britain, that the petitioners are apprehensive many works will be lost to this nation by being printed and circulated exclusively elsewhere; the petitioners therefore most humbly pray, that by the bill now before the House on this subject, such relief as to their wisdom shall seem most expedient may be granted to the petitioners, either by lessening the number of copies to be delivered, or by some regulation that will make it expedient for the libraries not to demand, indiscriminately, all publications, and therefore to contribute some such portion of the price of the books they may demand, as to the House shall seem equitable, or that the House will be pleased to grant the petitioners such further or other relief on the subject, as to them shall be deemed most fitting."

Mr. *J. H. Smith* said, that strong prejudices prevailed upon the subject, some of which he believed to be unfounded. The signatures of many respectable men now appeared to petitions, though the same persons were totally silent upon the subject in 1814, when it obtained a very full discussion. The bill passed at that time conferred many important privileges upon publishers and authors which it was expected would indemnify them for the loss they considered themselves liable to by the copies which were required to be delivered to the universities. He hoped the bill now before the House upon the subject of copyright would not be pressed forward too hastily, but that the subject would meet with the attention which its importance merited.

Mr. *Gurney* said, that in many cases the inconvenience to authors and publishers was very great, in consequence of the number of copies with which they were bound to furnish the universities. This inconvenience was particularly felt when the work was expensive. Mr. Lysons was then publishing a work the price of which would be 60 guineas, so that before he could derive the least profit from the sale of it it would be incumbent on him to send copies to the universities amounting to 660 guineas.

The petitions were ordered to lie on the table, and to be printed; as were also petitions on the same subject from Mr. Cooke, and Mr. Daniell, engravers, and from the rev. Rogers Ruding, author of "Annals of the coinage of Great Britain and its dependencies."

BREACH OF PRIVILEGE.] Lord *Archibald Hamilton* said, that he wished to call the attention of the House to a subject of great importance, affecting the privileges of the Commons House of Parliament. He would not at present enter into any details on the subject; he wished merely to state, that it related to a contest now going on in a county for the election of a member to serve in that House, in which contest a noble lord, a member of the other House of parliament, had thought proper to interfere. He intended to submit this matter to their consideration on Friday next; and he now desired merely to know whether, as this motion related to a breach of their privileges, it would not be entitled to precedency over other business. He should abstain from mentioning the names of the parties, or any of the particulars, unless the chair, or any honourable member, thought that he ought to be more explicit on the subject. If no farther explation were required, he should now merely add, that he would bring forward this matter on Friday next.

Lord *Castlereagh* observed, that several matters stood on the orders for Friday, but he apprehended that, if the noble lord wished to make his motion on that day, it would, as a matter of privilege, be entitled to precedency.

REFORM OF PARLIAMENT—PETITION FROM ROYTON.] Lord *Stanley* wished to call the attention of the House to a petition which he held in his hands. The House must be aware that in his situation of representative for the county of Lancaster, a number of petitions were frequently put into his hands, of which he could not approve either the matter or the manner. The petition which he now held in his hands, was signed in behalf of a meeting held at Royton, by George Taylor the chairman of that meeting. He was aware that the House did not recognize any petition so signed, as the petition of those from whom it purported to come, and that it could only be received as the petition of the individual who was the chairman of the meeting. But this was not the point to which he was most anxious to draw their attention. Among the petitions put into the hands of members some came so near the line of right and propriety, that it became a matter of doubt whether they ought to be presented. With respect to this petition, he owned that he had his doubts—it certainly came very near the line of propriety—but as he always wished to leave the right of petitioning as unfettered as possible, he should be sorry to do any thing to prevent the voice of individuals from being heard. There was hardly any thing in the prayer of the petition which was improper. Whether in the body of the petition some expressions might not be considered as improper, he should leave for the House to consider when they heard it read.

The Petition was brought up and read. It purported to be the petition of several thousands of people assembled at Royton, in Lancashire, on the 23d of March 1818. It commenced by stating, that self-preservation was the first law of nature. It went on to state, that many of the petitioners were weavers, whose wages did not exceed seven shillings a week, a sum altogether inadequate to the support of themselves and families, and the payment of house rent and taxes—that in this situation they were bringing children into the world whom they could never support—that God never made men to labour and to starve—that the business of quarter sessions formerly used to last only about two days—but that the quarter sessions now usually lasted twelve or fourteen days—that this moral deterioration was the consequence of the unexampled misery and privation in the lower classes—that general misery was productive of ignorance and slavery—that a state of things like this could not be conducive to our prosperity either at home or abroad—that the property of a country consisted in the produce of its land and labour—that if too much of this produce went to rent and taxes, the consequence was a proportionate privation and suffering of those by whose labour that produce was realized—that the avarice and cunning of some individuals had succeeded in appropriating to themselves, and those who were instrumental to their views, so much, that nothing was left to others—that it was the duty of wise statesmen to check this evil, and to oppose instead of supporting expensive wars, the undertaking of which could neither be productive of good, nor prevent evil—that the weight of the burdens of these wars fell on the poor with double force—that from the attention which they had given to the proceedings of the House on the subject of the poor laws, they could see no disposition on the part of the House to diminish the evils of pauperism—that as wages increased, pauperism decreased—that his majesty's ministers had imprisoned many of the best men in the country, on the pretence of treason, while no treason had been committed—that as well might men have been committed for murder, while no murder had taken place—that any disorders which took place were solely attributable to spies and incendiaries employed by the government—and that they attributed their misery to the selfish principles which had influenced the honourable house for a long time. The petition prayed the House to repeal the corn bill, that rents might fall—to retrench all useles and improper expenditure, that the burden of the taxes might be diminished—and to reform the Commons House, and to admit the people to the exercise of their just rights. On the motion, that the petition do lie on the table,

Mr. *Bankes* was of opinion, that as this petition professed to come from a public meeting, and was only signed by one individual, it ought not to be received. He was aware, that the House sometimes extended their indulgence so far as to consider a petition of a public meeting the petition of the individual who signed it; but as this petition alleged only general opinions, he thought it would be inconvenient for the House to extend their indulgence to it. He wished, therefore, to refer to the standing order of the the House which forbid the receiving such petitions.

Mr. *Wynn* contended, that there was a great difference between a petition like this, and one signed by a sheriff in the name of a county meeting. This alone was a ground for refusing to receive it; but when he looked at the manner in which it was worded, and the outrage offered to the House, by attributing selfish principles to them, he could come to no other conclusion, than that the petition was presented for the purpose of insulting the House, and therefore ought to be rejected.

Mr. *Lambton* would not enter into the question of informality; but he had attended to the wording of the petition, and he certainly could see nothing in it insulting or derogatory to the House. If the hon. member meant to propose that the petition should be rejected on the ground of improper language, he should feel it his duty to divide the House on that point.

The *Chancellor of the Exchequer* was surprised to hear it said that such a petition ought to lie on the table. The words "selfish principles," contained in the petition were such as one member could not, without great irregularity, use to another, at least if he was to hear any member use such language in that House, he would certainly call him to order.

Mr. *Tierney* said, it appeared to him that the petitioners had used the word selfish as intending to convey that the House had entered into a narrow view of the subject, and had not proceeded on general grounds. If the House were to reject such petitions as this, they might as well say at once, that the people should never petition for parliamentary reform. Feeling as anxious as any man that the doors of the House should be open to petitions, he must declare his opinion, that there was nothing derogatory to their dignity in the language of this petition. The word "selfish" was the only unhappy word on which the chancellor of the exchequer had been able to place his hand. The right hon. gentleman had said, that any member who should use that word, in debate, would be called to order. Now he would use that word on the very first opportunity, and he was sure the right hon. gentleman would not call him to order [Hear, hear!] If there was any thing really offensive to the House contained in the petition, he would not support it. But if people who had no land saw those who had a good deal passing a bill to serve themselves at their expense, it was natural that they should express themselves as they felt.

The question being put, "That the said Petition do lie upon the table," the House divided: Ayes, 14; Noes, 43.

FORGERY OF BANK OF ENGLAND NOTES.] General *Thornton* rose, pursuant to the notice he had given, to move for an account of the nominal value of notes presented at the Bank of England and refused payment, in consequence of being forgeries. It was, he observed, a matter of melancholy consideration, to observe how rapidly the crime of forgery had increased within a few years. Indeed, so great had been the sacrifice of human life in consequence of convictions for forgeries of late, that several persons against whom there was sufficient evidence to convict capitally, had been suffered to escape with impunity. Compromises were frequently entered into with the accused parties, and the capital charge withdrawn in consequence of their consenting to plead guilty to the charge of uttering forged notes. He was well convinced, that if the directors of the Bank gave the proper encouragement to able artists, means might be devised of rendering forgery, if not impossible, at least extremely difficult. He was sorry that the plan proposed to the Bank about twenty years ago by Mr. Tilloch, had not been adopted. That gentleman had invented a particular kind of plate, which in the opinion of Mr. Bartolozzi, and all the eminent artists of that day, was considered as inimitable. They had declared it was impossible to imitate it with any chance of success. At that time, however, the Bank consulted Mr. Terry their engraver, and he produced what was called an imitation of it, but his imitation was declared by many celebrated artists to be so bad, that no person could be deceived by it. Since, then, the Bank had altogether neglected the plan, though its completion was still within their power. He trusted, however, that they would now, from motives of humanity, see the necessity of devising some method of preventing a crime which had risen to such a height. If the Bank directors should not come forward with a motion for a committee on the subject, he trusted the chancellor of the exchequer would. Indeed, he felt much more interested in this subject at present than before, in consequence of the motion of which the right hon. gentleman had given notice for a renewal of the Bank Restriction act. That circumstance imperatively called for some such measure as that to which he had alluded. He had heard, that the Bank had refrained from adopting the plan of Mr. Tilloch, in consequence of the expense attending it. He was not aware how great that expense was likely to be, but he was certain, that if the expense of the prosecutions for forgery incurred by the Bank was known, as he trusted it would, by the result of the motion on the subject which stood for Tuesday, they would be found not inferior to that which the Bank wished to avoid in refusing to adopt the plan of Mr. Tilloch. With the view of assisting in the object of bringing the matter more fully before the House, he should move, "That there be laid before this House an account of the total nominal value of Bank of England Notes presented at the Bank of England and refused payment on account of their being forged, for the last six years, to the latest period to which the same can be made up: specifying the total nominal value so presented and refused payment in each year respectively."

Mr. *Grenfell* did not mean to oppose the motion, but he suggested to the hon. general whether it would not be better to withdraw it for the present, in consequence of a motion of an hon. and learned friend of his (sir J. Mackintosh) which stood for Tuesday, and which embraced the same object along with some others.

General *Thornton* was not aware that the motion for Tuesday embraced the object which he had then in view; but as he now understood that that object would be included in the intended motion, he would, with the leave of the House, withdraw his.

The motion was accordingly withdrawn.

HOUSE OF COMMONS.

Thursday, April 9.

LEATHER TAX.] Lord *Holland* said, he had come down to the House on Monday for the purpose of presenting some petitions, but happened to be a few minutes too late. They were against the additional duty on Leather, which he considered a most oppressive and impolitic tax. Notwithstanding the decision which had been come to in another place, he considered it his duty to lay the petitions on the table, in order that their lordships attention might be turned to the subject, and that those who asserted that the continuance of such burdens was indispensable to meet the expenditure of the country, should consider themselves called upon to show, that various objects of that expenditure, which far exceeded this tax, were necessary; among these objects were certain monuments, and also churches, for which a very large sum had recently been voted. There was likewise the establishment at Windsor, which occasioned an expenditure nearly of the same amount as the produce of this leather tax; that was an establishment which afforded no comfort to any one, and was not very creditable to those who persisted in maintaining it. Nothing had yet been said to convince their lordships or the country of the necessity of that expenditure, which formed the apology of the present intolerable taxation. His lordship concluded by presenting petitions from the tanners of York, Nottingham, and King's Lynn, against the tax.

Ordered to lie on the table.

MARRIAGE OF THE PRINCESS ELIZABETH.] The Earl of *Liverpool* rose to propose an Address of Congratulation to the Prince Regent, on the subject of the marriage of his royal sister, the Princess Elizabeth. He also intended to move messages of congratulation on the same event to the Queen, to the Princess Elizabeth, and to the Prince of Hesse Hombourg. It could not be necessary for him to take up the time of the House in introducing these motions with any lengthened observations, as it was not possible to conceive that they would meet with opposition from any quarter. With reference to the event itself he should only say, that it certainly must be a proper subject of congratulation, that a union had taken place with a prince of a most illustrious family, high military reputation, and who had displayed great talents in the course of the long war in which he had been engaged. The noble earl concluded by moving an Address to the Prince Regent, which he followed with motions for Messages of Congratulation to the Queen, the Princess Elizabeth, and the hereditary Prince of Hesse Hombourg.

The motions were agreed to, *nem. diss.*

HOUSE OF COMMONS.

Thursday, April 9.

PETITION FROM THE BOOKSELLERS AND PUBLISHERS OF LONDON RESPECTING THE COPYRIGHT BILL.] Mr. *Wynn* presented a Petition from the Booksellers and Publishers of London and Westminster; setting forth, " That by an act passed in the 54th of his majesty, to amend the several acts for the encouragement of learning, by securing the copies and copyright of printed books to the authors of such books or their assigns, it was enacted, amongst other things, that 11 copies of the whole of every book and of every volume thereof upon the paper upon which the largest number or impression of such book should be printed for sale, together with all maps and prints belonging thereto, which from and after the passing of the said act should be printed and published, on demand thereof being made in writing to, or left at the place of abode of the publisher or publishers thereof, at any time within twelve months next after the publication thereof, under the hand of the warehouse-keeper of the Company of Stationers, or the librarian, or other person thereto authorized by the persons or body politic and corporate, proprietors or managers of the libraries following, *viz.* the British Museum, Sion College, the Bodleian Library at Oxford, the public library at Cambridge, the library of the Faculty of Advocates at Edinburgh, the libraries of the four Universities of Scotland, Trinity College Library, and the King's Inns Library at Dublin, or so much of such eleven copies as should be respectively demanded on behalf of such libraries respectively, should be delivered by the publisher or publishers thereof respectively, within one month after demand made thereof in writing, as aforesaid, to the warehouse-keeper of the said Company of Stationers for the time being; that the petitioners hoped and expected that the librarians, or other persons authorized by the proprietors or managers of the said eleven libraries, would have demanded the copies of such books only as would be of real and lasting utility in such libraries, and that a selection would have been made from the general mass of publications for that purpose; but the petitioners respectfully state, that every book published and entered at Stationers-hall has been demanded for the said libraries, without any discrimination or selection, excepting that for two of them, namely, the Advocates' library in Edinburgh and Trinity College in Dublin, no music or novels are claimed, but for all the others both music and novels have been demanded; that, in the bill brought into the House on which the said act was framed, the said delivery of books was limited to those which should be first published after the passing of the said act, but, in the ultimate wording of the said act, as it now stands, the petitioners have become liable to a delivery of all reprints of books published before the passing of the said act, although the same may not contain any addition or alteration, and although a former edition of such books may be already in the possession of these libraries; and, from the system of indiscriminate demand adopted by the said libraries, all such re-prints are so demanded, which operates to discourage the re-printing of former publications; the petitioners respectfully submit, that it cannot answer any object of instruction or improvement, that every book which shall be published, whatever may be its subject, its tendency, or its merits, should be demanded for the use of the said libraries, as, from this indiscriminate demand, a great number of books are taken from the petitioners which can only become waste, and they are thereby heavily burthened without any adequate advantage to the said libraries, while no instance has occurred in which any books demanded and delivered have been returned to the petitioners when they were found not to be necessary or useful to such libraries; and they humbly beg permission to infer, that it could not be the intention of the legislature that they should be burthened by the delivery of books which are not only not useful, but which are actually detrimental, or an incumbrance to the libraries themselves; the petitioners do not wish to deprive the said libraries of the beneficial enjoyment of their right under the said act, so far as the real objects of their respective institutions are thereby promoted, and so far as such right could be exercised with such modifications as will preserve the petitioners from unnecessary grievance; but the petitioners feel, that nine-tenths of the publications daily issuing from the press, are neither necessary nor advantageous to all those libraries, and yet the delivery heavily burthens the petitioners, and that they are all aggrieved thereby, but on some, from the expense and risk of their publications, it falls with peculiar severity; the grievance under which the petitioners labour, and from which they humbly pray the House to afford them some relief, is not, as has been asserted, of a trifling nature; if it were so, they would not complain; but daily experience makes them feel more heavily the burthen, and convinces them that its effects will be seriously injurious to literature in general; they therefore respectfully hope for some legislative regulation, which may induce the managers of these libraries to make a selection of the books which they may demand, so that the petitioners may have to deliver those only which are likely to be of real and permanent utility; and they humbly conceive, that to require the libraries to pay some part of the price of each book they may demand, will induce them to make such a selection as will be most beneficial to themselves, and will lessen the burthen to the petitioners; that they forbear to state in detail the heavy grievances which these demands and deliveries have occasioned to them individually, because they hope that some regulation, to the effect above-mentioned, will produce a material relief, and because they are informed that a bill is now before the House with this object in view; they therefore most humbly pray, that the House will, in its wisdom, be pleased to grant them some relief, as to the demand and delivery of the eleven copies of books for the libraries above mentioned, by enacting, in the bill now before the House, some regulations which will make it expedient that these libraries should only demand such books as it will be proper and useful that they should possess, either by requiring some part of the selling price thereof to be paid at the time of demand, or by such other provisions as to the House shall seem meet."

Petitions in favour of the bill were also presented from Mr. Valpy, and from certain artists and engravers. They were ordered to lie on the table, and to be printed.

POLICE OF THE METROPOLIS.] On the motion of Mr. Bennet, a committee was appointed, to inquire into the state of the Police of the Metropolis, and to report the same, with their observations thereupon, to the House. The committee to consist of the following members, *viz.* Mr. Bennet, Mr. Abercromby, sir F. Burdett, Mr. Butterworth, Mr. F. Douglas, Mr. Holford, Mr. Lambton, lord Ossulston, sir S. Romilly, Mr. Sumner, Mr. Wynn, Mr. Davies Gilbert, Mr. Ward, Mr. Sheldon, sir R. Ferguson, sir T. Acland, Mr. Barclay, Mr. C. Calvert, Mr. R. Gordon, lord Lascelles, sir C. Monck, sir M. Ridley, sir J. Shaw, lord R. Seymour, Mr. Sturges Bourne, Mr. Lyttelton, sir J. Sebright, Mr. J. H. Smyth, lord Clive, and Mr. Waldegrave. The committee were instructed to inquire into, and report upon, the state of Coldbath-fields prison, Tothill-fields bridewell, and Clerkenwell prison.

Marriage of the Princess Eizabeth.] Lord *Castlereagh,* in pursuance of the notice he had given, rose to make a motion on a subject on which he was convinced there was but one sentiment on both sides of the House. He was persuaded that all parties were most solicitous to offer their unanimous congratulations to his royal highness the Prince Regent and the royal family on the recent marriage of her royal highness the princess Elizabeth, with his serene highness the hereditary Prince of Hesse Hombourg; a prince whose character stood so high in Europe; who had been a distinguished soldier all his life; who had partaken in almost all the great battles by which the independence and tranquillity of Europe had been achieved, and who had exhibited in the field all those qualities which characterize a brave, zealous, and able officer. Convinced as he was that all who heard him entertained the most sincere wishes for the happiness of this illustrious pair, he should trespass no farther on the House, but merely move, "That an humble Address be presented to his royal highness the Prince Regent, to offer the dutiful congratulations of this House to his Royal Highness, on the happy nuptials of her royal highness the Princess Elizabeth, daughter of his Majesty, with his serene highness Frederick Joseph Louis Charles Augustus, landgrave and hereditary Prince of Hesse Hombourg; and to assure his Royal Highness of the sincere and heartfelt satisfaction which this House derives from a circumstance that must add so much domestic happiness to his Majesty's family."

The motion was agreed to *nem. con.* It was also resolved, That the House should congratulate her Majesty on the above happy event; and also that a Message of Congratulation should be sent to the Princess Elizabeth, and to the Prince of Hesse Hombourg.

Bank Restriction Continuance Bill—And Bankers Notes Bill.] The House having, on the motion of the Chancellor of the Exchequer, resolved itself into a committee on the Bank Restriction act, and on the act for the regulation of Private Bank Notes,

The *Chancellor of the Exchequer* rose to submit to the committee, the propositions of which he had given notice. The right hon. gentleman observed, that he had waited with great anxiety, and had postponed the discussion of the question to a period of the session as late as was consistent with the expectation of a full attendance of members, in the hope that some events might arise of a nature so decisive as to enable him either to declare to parliament that the Bank of England was so situated as to be enabled, with propriety, at once to resume cash payments, or that circumstances had taken place which left no room for doubt as to the necessity of a farther continuance of the restriction. The result of all his inquiries, however, on the subject was, that, under all the circumstances of the case, he was not able to state a case of so distinct and positive a nature; while he yet felt that he could not, with a view to the public interests and to the safety and convenience of commerce, but submit to the committee a proposition for still extending, although for a very limited period, the act of restriction.

In order to render what he had to say as intelligible as possible, he begged the committee to revert to the state of things under which the Restriction act had been originally passed, and under which it had subsequently and at various periods been renewed; which, at the last renewal of that act for two years, in 1816, took place with the understanding that the Bank should employ that period in providing for the resumption of cash payments at its expiration. It would also be indispensible to advert to the course of exchange during a considerable portion of the period to which he had alluded. The committee would recollect that, prior to the retreat of the French army from Russia, at the close of the year 1812, the price of gold bullion was 5*l.* 12*s.* an ounce, and of silver dollars 6*s.* 6*d.* an ounce. At that time, therefore, any attempt to restore the metallic currency of the country would have been utterly unavailing, as the coin would have been collected and melted as fast as it issued from the coffers of the Bank. But when the French army retired into Germany and was beaten there, and when a prospect arose of a successful termination of the war, gold fell to 5*l.* an ounce; and subsequently, when the allies got possession of Paris, to 4*l.* 6*s.* 6*d*, and there was every indication of its speedily falling to so low a rate as to enable the Bank to resume their payments in cash. The unfortunate events, however, which took place in the spring of 1815, and which were too notorious to render it necessary for him to particularize them, and which again involved Europe in the calamities of war, prevented this pleasing prospect from being realized. After the return of Buonaparté to France, in March, 1815, gold rose from 4*l.* 6*s.* 6*d.* to 5*l.* 7*s.* an ounce. It was obvious that, as long as a state of hostility continued, any attempt at a resumption of cash payments would, for the reasons that had operated in preceding cases, prove wholly futile. From the period, however, at which hostilities ceased, it was but justice to the Bank to state, that they had adopted every measure of precaution which might enable them to resume cash payments with safety. Their collection of specie had been very rapid and to a large amount; indeed, to an extent beyond what he should have supposed possible in so short a space of time. Another preparatory measure of the Bank was an experiment which was first tried by them in January 1817.—He alluded to their notice that they were ready to make payments in cash of a certain description of outstanding notes. The amount of the notes for which, under that notice, payment in cash might have been demanded was about one million sterling. The result of the experiment might be considered indicative of what would take place on a general resumption of cash payments. It was found that, so far were the public from being anxious to obtain payment of those notes which were thus rendered immediately payable in cash, that a very inconsiderable, if any demand whatever, was made for that purpose on the Bank. No preference whatever of metallic currency to paper was shown by the holders of those notes. At that time gold bullion, which had been continually sinking during the preceding year, was reduced to 3*l.* 18*s.* 6*d.* and silver to 4*s.* 10*d.* the ounce. It was therefore probable, that if at that time the Bank had returned generally to cash payments, scarcely any would have been demanded. It was in the recollection of several hon. gentlemen who heard him, and who had had peculiar opportunities of being acquainted with those transactions, that the facts were precisely as he had stated them. He did not wish to enter into any detail on the subject, but he might mention one circumstance as peculiarly illustrative of the feeling of the country with respect to it. When the exchange of the old silver currency for the new took place, a large quantity of the new coin was sent down to the banks in Scotland for the purpose of being exchanged. After all the required exchanges were made, a sum of about 7,000*l.* remained in one of them (he believed the Royal Bank of Scotland), the directors of which stated, that it was desirable that this sum should be retained for the convenience of the country; and requested, as a favour, that they might be allowed to pay for it in gold rather than in bank notes. He could mention to the committee other incidents of a similar nature, but that which he had already related might perhaps be deemed a sufficient illustration of the opinion of the country.

In October last, the Bank of England, having experienced no inconvenience from their former experiment, were induced to try another on a more extensive scale. A regular notice was issued, in pursuance of the directions of the act of the 37th of his present majesty, and of the several acts since passed for continuing and amending the same, that on and after October 1st, the Bank would be ready to pay cash for their notes of every description, dated prior to January 1st 1817. But the result of that experiment varied considerably from that of the former. Payment in cash was demanded to a large amount; not for the purpose of internal circulation (for this he hardly apprehended was the opinion of any person), but for the purpose of being remitted to foreign countries. To the causes which produced that situation of things he should presently advert. It appeared from a return made to the other House of Parliament, that the Bank issued under their last notice a sum not less than 2,600,000*l.* Of that large sum hardly any part remained in circulation in this country.

He would now call the attention of the committee to the circumstances which had occasioned the difference in the result of the two experiments made by the

Bank, in order to show how unadvisable it would be, under existing circumstances, that the Bank should resume cash payments at the present moment. Those circumstances appeared to him to be, in the first instance, the deficient harvest of 1816, and the harvest of last year not being more than an ordinary one, the consequence of which was, that the quantity of corn that it had become necessary to import, had taken a great deal of specie out of the country. The sums drawn out of the country by emigrants from it was another of the causes which operated to produce the effect in question. At the same time it was necessary to observe that those sums were not so large as perhaps some persons might imagine. He held in his hand an account of the number of persons who had embarked at Dover for the continent, and who had returned from the continent to that port. Dover was so much the most considerable port, at which persons embarked from this country for the continent, that all the emigration from the other ports might be considered as unimportant; and the committee might therefore assume the emigration from Dover, as affording a tolerably correct criterion of the numbers of our emigrants. It appeared then, that the whole number of persons, who, from the year 1814 to the 24th of February last, had embarked at Dover for the continent, amounted to 90,230; exclusively of aliens, whose number amounted to somewhat above 11,000. The number of English, who, during the same period, had returned to Dover, amounted to 77,530. He did not mean to deny that many persons might be included twice in the return; having gone and returned twice within the period which it comprehended, but that did not affect the conclusion that might be drawn from it. The difference between the two numbers which he had stated was 12,700; so that it might be safely affirmed that the number of English residing abroad did not exceed 13,000. If it were assumed that these 13,000 individuals expended on the average 200*l.* a year each (which, as a number of them were servants, might be deemed a sufficiently high estimate) the account of their annual expenditure would be somewhat above two millions and a half. But in addition to that the committee must take into their account the large sum expended by our army abroad; for although it was true that the French government provided for the support of the troops, still it was notorious that great private expense was incurred by the officers.

The two circumstances to which he had just adverted—the importation of foreign corn, and the residence of a large body of English abroad, although they were certainly not of a permanent nature; might recur from time to time, and were well worthy of consideration in discussing the question before the committee. But there was another circumstance of a very extraordinary nature, which required the most serious attention, and which had materially contributed to the change in the state of things. He alluded to transactions which had taken place in the course of the last two years—namely, the negotiation in this country of large loans for foreign powers. In June 1816, the French government negociated a large loan in this country. The provision was six millions of francs of *rentes;* and the sum borrowed amounted to about five millions sterling. In the Budget of 1817, a provision was made by the French government of thirty millions of *rentes*, or a capital of 600 millions of francs, amounting to about 24 millions sterling of stock, or about 15 millions of money at the then price of the French funds. This sum was, indeed, raised in three several loans. The first amounted to about ten millions of *rentes.* That operation took place in February, 1817; the second of eight millions of *rentes* in March 1817, and a farther sum of nine millions of *rentes* was raised in July, 1817, leaving still 3 millions to be realized in the present year. The sums raised in 1817, amounted in the whole to about twenty seven millions of *rentes* or 540 millions of capital in 5 per cent stock, equal to about 22 millions sterling of stock, and from 13 to 14 millions in money. If the committee would compare the dates of those loans with the periods at which the rate of exchange began to be unfavourable towards this country, it would be found that the exchange began to fall soon after the conclusion of the first French loan. Gold which in May, 1816, was as low as 3*l.* 18*s.* 6*d.* an ounce, rose in the succeeding month, and had continued to rise until February in the present year. He was very far from wishing to throw any blame on the individuals who had contracted for those loans. It was but justice to them to say that he firmly believed, if they had thought that by contracting for loans with foreign powers they would do any injury to their own country, they would on no account have entered into them. At the same time it ought also to be remembered, that these were subjects with which government ought not to interfere. Every man had a legal right to the disposal of his own property; and there were political advantages of great importance connected with those loans; for they had contributed to support the French government, and to enable it to make good its engagements with foreign powers. Under those circumstances it would have been impolitic as well as unjustifiable on the part of the British government to prevent any voluntary transactions of its own subjects with the French government. The effect, however, of these transactions had been such as he had described. The two millions and a half of cash issued by the Bank in payment of their notes had immediately gone out of this country, and had enabled the contractors for the French loans to make good their engagements. The loan which the French government had in the present year contracted for, was 12,000,000*l.* sterling; but he should hardly have thought that this was a subject sufficiently important to influence parliament in its legislative operations, were that the only loan that was to be made. But there was at present a negotiation on foot which might probably end in the raising of a much larger sum.

As the necessity of the proposition which he should submit to the committee in some measure arose from that negotiation, he should state the precise object of it. The committee were aware that by the treaty of Paris, the allied army might either leave France in the course of the present year, or remain there two years longer. If it should be the case, that the allied army left France in the course of the present year, and that the French should consequently fulfil their pecuniary engagements in the present year, in addition to the sum of twelve millions, for which he had already stated a loan had been concluded, a farther sum of twenty millions sterling would probably be wanted by the French government to enable it to liquidate all the claims upon it. He would leave the committee to imagine what the effect of a loan to such an amount would necessarily be. He had already stated, that in so far as regarded our internal situation, there could be no danger in the resumption of cash payments by the Bank, for that there existed but little disposition on the part of the public to call for the payment in cash of any large proportion of the notes of the Bank. But when so large a drain might be made from this country, as would be occasioned by the French loan in contemplation, he would put it to the committee, whether the danger of attempting the operation of resuming cash payments at an undue time, would not more than overbalance any disadvantage which might arise from the temporary prolongation of the restriction? He could not suppose that any hon. gentleman would think it advisable for the Bank to resume its payments in specie, under circumstances extremely similar in their nature to those which existed when the restriction was originally imposed. That nothing could be stronger than the resemblance between the two periods, was evident from the tenor of the report of the committee of that House, on which the proposition for restricting the payments in cash, was, in the first instance, founded. The opinion of the Bank itself, too, was of great importance in deciding the question originally. In the resolutions of the company of directors of the Bank of England, dated the 3d December 1795, it was declared, "That the court of directors, after a very solemn deliberation, adequate to the importance of the subject, are unanimously of opinion, that should the proposed loan to the Emperor take place, they are but too well grounded in declaring (from the actual effects of the Emperor's last loan, and the continued drains of specie and bullion, they still experience), that they have the most cogent reasons to apprehend very momentous and alarming consequences." On the 11th of February 1796, the directors came to still stronger resolutions. They then declared, "That if any farther loan or advance of money to the Emperor, or to any other foreign state, should in the present state of affairs take place, it will, in all probability, prove fatal to the Bank of England; and they therefore most earnestly deprecated the adoption of any such measure: and solemnly protested against any responsibility for the calamitous consequences that may follow therefrom."* Thus similar were the circumstances of the two periods. Every one must be aware of the difficulty with which the changing of a long-established order of things must be attended: and more particularly in the case of currency and circulation.

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* See Parliamentary History, Vol. 33, pp. 322, 323.

He should, perhaps, be asked whether the nature of our currency was to depend on the operations of foreign powers? He should reply—certainly not.—If we could really return to a state of permanent and secure circulation with safety, we ought to return to that state of things without delay. But surely the moment would be ill-chosen for making the attempt when we were under the influence of circumstances very like those which took place when the suspension was first proposed. He should, perhaps, be told, that the restriction was first proposed in a time of war and danger, and that the measure was rendered necessary, in consequence of the advances made to a foreign power, under the guarantee of government. He was aware of the force of this remark, but still it did not counterbalance the greater extent of the operations at the present time. For the imperial loan amounted only to four millions and a half—a farther loan of three millions was in contemplation, but it was stopped by those resolutions of the Bank to which he had already adverted. Now, besides the loan of last year to France, thirty millions might be necessary for that country in the present year, and five millions had, besides, been raised for Prussia. Even if all those loans were to be negociated abroad, there was no reason for supposing that capital was so abundant on the continent that a large proportion of the money would not come from this country. This would occasion a drain on the resources of this country to a much greater amount than that of 1795.

He wished it to be distinctly understood, that he did not propose to continue the restrictions in consequence of any circumstances in the internal state of the Bank, which he believed was fully prepared to make good its payments; but on account of those external circumstances which would render such an operation extremely unpropitious and dangerous at the present moment. He hoped, however, that another measure which he should have the honour to propose, might have the effect of considerably alleviating the evil of the restriction—a measure which, he trusted, would place a great part of our paper currency on a more secure footing than ever. On the resumption of cash payments, it would be proper that our paper currency should return as nearly as possible to what it had been. For himself, he could assure the committee, that he was very desirous that the Bank should resume its payments in cash; and the committee might rely upon it that, if they were anxious for the return of that state of things, the bank directors were as sincerely desirous of bringing it about. They were most willing to adopt every measure which might be thought necessary for the effecting of that object, and for confirming every regulation which parliament might wish to propose.

But he was now to direct the attention of the committee to the other part of the subject to which he had alluded, and which he should endeavour to explain as shortly as possible. He had to propose a plan, which, in the course of no long period of time, would give the public such a security for a considerable part of our paper circulation, as it never before possessed. It was his intention to propose, that the Restriction act should be continued for another year, namely, to July 1819, and that in one year from that period the operation of this new plan should commence.—There could be no doubt, that the most perfect and desirable currency for any country, was a mixed one of specie and paper. It might be advisable, that there should be a paper circulation to a large amount, but it was certainly advisable at the same time, that it should always be convertible into specie, so that the holders might have the most complete reliance, that whenever they pleased they could convert the paper into a metallic currency. Many plans had at different times been in contemplation, respecting the best means of security from the abuse of paper currency. It had been proposed, that paper should be issued on the security of various deposits—on the security of landed property, and of other property. The great objection against issuing paper on the deposit of property was, that, whatever value the property deposited might possess at the time the deposit was made, it could be converted into money only under favourable circumstances, and, that when attempts were made to convert it into money under other circumstances, it often fell so much in value, as not to realize the sum advanced on the security of it. All land banks were particularly subject to this inconvenience. From the many difficulties attendant on the conveyance of landed property, and on raising money on landed securities, land banks had generally been unsuccessful. This sort of uncertainty however, did not exist with respect to another description of property which existed in this country to a great extent—he meant funded property. It was not indeed free from fluctuation, but it might always be considered available to a certain extent. If at the time when funding was first introduced, a paper currency had been founded on it, and such currency had grown up with it, we might have possessed a paper currency as perfect as could be wished for. If on the deposit of a certain amount of stock, a certain amount of paper might have been issued, such paper would have been free from the insecurity of the paper currency that we have hitherto possessed. At present our paper currency was not of equal security in different parts of the kingdom. Scotland, from the nature of its currency, and the extent of the capital of the persons engaged in banking (which in that part of the kingdom were not subject to the same restrictions in point of number, which existed in England under the charter of the Bank), had had no considerable failures, and enjoyed great advantages in the security of her paper circulation. No inconveniencies could be charged against it. In England, however, and still more in Ireland, that was not the case. But all the inconveniencies, of however serious a nature, arising out of the insecurity of the paper of private bankers, might be prevented by the adoption of the plan that he was about to propose. In that plan, he wished to keep in view the difference between that part of the paper currency, which might be considered as the immediate representative of cash, and notes of larger value, which in some respects answered a different purpose. He meant, that he should be directed in his views, by those which the legislature took, when they prohibited the circulation of any notes under five pounds in value. It was when the metallic currency was first suspended by the act prohibiting cash payments by the bank of England, that permission was given to circulate notes under five pounds, and of not less than twenty shillings value. This permission had been renewed from time to time, and the period now fixed for the circulation of those notes, was one year after the expiration of the term at which the suspension of cash payments should terminate. The suspension act would expire on the 5th of July, 1818; but, as he should propose, the continuance of the suspension for another year, it was his intention also to propose, that the alteration with respect to the circulation of private bankers should not take place before the 5th of July, 1820.

There was an act now in force, permitting the issue of notes under the value of five pounds of the Bank of England. It was not his intention to interfere with that circulation, as it might be considered to rest on good security, the Bank giving in fact, that very security, which he now proposed to demand from the private bankers; for they had advanced fifteen millions of capital to government, and they always necessarily held in their hands a considerable amount of floating government securities.—It was his intention to propose, that after the 5th of July, 1820, no private banker should issue notes in England or Ireland (for he would except Scotland, as the objection against the paper circulation of the private bankers of England and Ireland did not apply to Scotland) for any sum under five pounds without having made a sufficient deposit of government securities, consisting either of stock or of exchequer bills.—He proposed therefore, that it should be enacted, that every private banker should transfer into the names of the commissioners, for the reduction of the national debt an amount of stock double that of the nominal value of the notes of that description issued by them, or deposit in the hands of the commissioners exchequer bills of equal value to that issue. The cause of the difference which he recommended in this respect was, that from the frequent fluctuation in the price of stock, the nominal value of the notes in stock might turn out to be a very inadequate security. The interest arising on the stock transferred, or on the exchequer bills deposited, would of course be paid to the owners after the deduction of charges for management.—With respect to the notes to be issued on this credit, he meant to propose, that before they could be so issued they should be carried to the stamp-office, and stamped in a way that should denote they were so secured. Some farther collateral security against fraud or forgery, might perhaps be deemed expedient; but that would be a matter for future consideration.

This was the general outline of his plan, which, he hoped he had rendered sufficiently intelligible. The details would of course be matter of much deliberation. There were, however, two objections that might be made to the plan, which he was desirous of anticipating. One was, that the measure proposed would tend to produce a great and unlimited paper circulation. It would be said, that as this paper was founded on the immense amount of the funds, it might be considered as co-extensive. The answer to this objection was short, but he trusted satisfactory. It was impossible that there could be a greater temptation to an over issue in the case of a paper founded on security, than in the case of one founded on no security; and the limit of which depended on the will of the banker, and of those among whom it was to be circulated. There was no limitation at present but the will of the banker, and the will of those among whom the paper was to circulate. So long as the paper does not return upon the banker to an inconvenient amount, he has no inducement to limit his circulation; he may therefore issue as much paper as he finds the public disposed to receive; but should the proposed plan be adopted, the banker would feel a considerable restraint in his issues from the necessity of depositing a valuable consideration. The other objection might be, that the circulation of paper under the value of five pounds, was not so profitable to the banker as to induce him to continue it under the circumstances of a deposit—that he might consider the deposit so great an inconvenience in addition to the other charges on banking, that he might not engage in the proposed plan. To this he would answer—undoubtedly, if the banker had his option to issue notes with or without security, there could be no question which he would choose. As issuing paper without security was more advantageous to him than issuing it with security, he would naturally prefer it. But supposing that the safety of the public required that a security should be afforded, he felt persuaded that the banker had a sufficient interest in continuing his operations, subject to such security. It was perfectly certain that it was necessary for every banker to have a large sum in his possession to answer the demands upon him; and this sum was now kept in cash or bank notes which constituted an unproductive capital. But, under the proposed security, he could make the payment of demands upon him in his own stock notes, which would be received as cash in paying off his large notes. He would be left without restraint in all issues of notes beyond five pounds in value. He would have all that parliament thought it proper he should have before the passing of the Bank Restriction act. Nothing would be taken from him to which he could be considered as having a well-founded claim. There would still therefore be left to him a very sufficient profit. Many private bankers were already stockholders to a very large amount. In their case, where would be the inconvenience of depositing in the hands of the commissioners a certain portion of that stock? The only difference was, that the amount deposited would be available only to the holders of the notes secured upon it, instead of being available to their creditors in general. But the safety which those among whom the notes were circulated would receive, would far outweigh any inconvenience to the private banker. Strictly speaking, a banker at present had hardly occasion for any capital. But one consequence of the proposed plan would be, that it would have a tendency to engage men of large property in banking concerns, and to exclude those who did not possess an invariable security for their creditors. The leaving out all that part of the circulation which exceeded five pounds, would continue the operation of banking as advantageously to the banker as was compatible with the safety of the public. They were placed here in an option of difficulties. No man would say that they ought to prohibit the circulation of all paper under five pounds in value. Such an opinion might indeed be entertained, but at all events it was very rare. Those, however, who had any acquaintance with the commercial affairs of this country, could not but be convinced that such a system was impossible. A metallic currency was so cumbersome for mercantile dealings, that we could never conveniently return wholly to it. The question therefore was, whether, as it might not be desirable to return to a metallic currency, but as it was desirable to have a paper as near in value to a metallic currency as possible, we would allow an issue of paper without such a deposit as might secure the creditor against the danger of improvident speculation on the part of the banker, and the banker himself against the temptation to it?

He was persuaded, however, that it was expedient in every respect that full time should be given to private bankers before the system should be carried into compulsive operation, and that time he thought he had given. During the two years after which this measure was to take complete effect, the country bankers would be enabled to reduce their transactions within the amount which might be convenient to them. Besides this, two years formed a convenient period, as the notes of country bankers are generally by themselves calculated to wear out in about that time; and they would thus have due notice not to incur any unnecessary expense by the provision of stamps, and the issue of notes, the farther circulation of which would be prohibited before they were worn out. The restriction on the Bank of England being to continue one year longer, one of the inconveniences which had been anticipated from that measure was, that it would cause an inordinate issue of country notes. But by the measure which he had just detailed, the bankers would be restrained from issuing largely, as they would be obliged, at a certain time, to draw in all for which they could not give security. A secure and permanent paper circulation would thus be provided, after the resumption of cash payments, which would afford a relief to the public that could not be effected by a complete return to metallic currency with all the incumbrances attending it.

He had thus briefly stated the measures he had to propose; the latter of which he should have thought desirable, even if he had not recommended the continuance of the restriction. Considerable preparation would be necessary before the plan relating to country bankers could be brought into operation. Inquiries must be made as to what species of stamp ought to be put upon their notes to afford the most effectual security against imposition. The public would thus have a double guard against forgery—that which the country bankers might adopt, superadded to all that a public office could do: which together would be as perfect a security as the nature of the case would admit of. As soon as these preparatory arrangements were made, every banker who was willing to issue small notes on the security of stock transferred, or exchequer bills deposited, might do so; and it would no doubt be the wish, as he was persuaded it would be the interest, of many bankers to do this before the period (July 1820) which he had mentioned. Many of the country bankers were holders of stock; and they might thus perhaps add two or three per cent to the interest of that stock. It might be said that it would be inconvenient to them to transfer double the amount of their issues; but they had the choice of depositing exchequer bills merely equal to those issues. He would not detain the committee any longer, but would conclude with moving,

"That leave be given to bring in a bill for further continuing an act of the 44th year of his present majesty to continue the Restrictions contained in several acts of his present majesty on Payments of Cash by the Bank of England."

Mr. *Tierney* said, that the statements of the right hon. genleman, so far as they went, were intelligible enough. He was far, however, from being convinced by his arguments. At present he would not go into them at any length: he would only beg of the House to consider the state in which they were placed: no matter whether the proposed plan was a good one or not. It went to produce quite a new system of currency, and that in a time of peace; and this was to be done merely upon the suggestion of the chancellor of the exchequer, without any previous committee, and without examining a single witness. After the confident predictions which they had heard some time back from the right hon. gentleman they were to be now called upon to continue the Bank Restriction for another year, and to introduce a total change in the principle of private bank-paper. Upon the latter subject he would not offer any opinion: he could not trust his judgment with it at present. It seemed doubtful whether it was intended by this plan to sweep away completely the circulation of all private paper, and place it in the hands of the Bank of England, or greatly to enlarge the issue of such paper. It might lead to either of the two effects. At all events, it would throw a great hardship upon the private bankers. In the first place, their character would, after this proposal, stand tainted for the next two years. What could be the use of proposing the bill at present? The only motive he could see was, to put men upon their guard against the country bankers. He was no friend to an extended issue of their paper. They had, however, been of great service to the public, and however desirous he might be to confine their circulation within proper bounds, he would not wish to bring odium upon them in this manner, or to hold them up as persons not to be trusted. No man, he believed would be willing to commence the business of a private banker upon the proposed principle of stock security. The principle, as he understood, was, that for the issue of every 100*l.* in notes, a security, of 200*l.* in stock would be required, or as it stood at present, of 160*l.* Now was it to be expected that any person would issue paper upon such terms as those? The answer would perhaps be, that if he did not like to give security in stock, he might go to the exchequer and have 100*l.* in bills for every hundred pound of his own. But what would this be but an issue of exchequer bills? The right hon. gentleman showed a great deal of reading. He had read all the plans which had been suggested for some years. This was one of them, and a very hopeful one it was! There was an observation which he could not help making upon the subject. It was, that, according to this measure, the five-pound notes were to rest entirely, as before, upon the personal security of the banker and his individual credit. In such a state of things would any man be such a fool as to take five-pound notes at all from a private banker while he could get one pound notes with good security? No person in his senses would do it. Was this the well-digested measure which the chancellor of the exchequer had had in contemplation for some months? Would he pretend that he had not a much more extensive plan if he had not been corrected by others? Of the debentures, however, which were not issued he should say nothing—*de mortuis nil nisi bonum.* But the plan which was actually proposed was deserving of a thorough investigation, which it could not have in a discussion in the House. However clear the statement of the chancellor of the exchequer, or the speeches of those who might follow him, they could not be satisfactory to the mass of the country without a reference of the subject to a committee, by which the various speculative opinions would be received, compared, and digested.—But he would ask, why was the measure proposed two years before it was to take effect? Here was a new principle, which, for some reason or other, the chancellor of the exchequer wished them to admit two years before it was acted upon. The only reason which had been given was, that the private bankers might have fair play—that they might not issue notes which would be drawn in before they would be worn out. Now where would be the necessity for incurring any additional expense upon this account? Any notes, which after the lapse of the next two years might not be too old to be kept in circulation, could have a new stamp affixed to them, according to the intended plan. This would answer just as well as if the paper was new [No! from the chancellor of the exchequer]. Perhaps so. An old note might be stamped as well as a new one. However that was quite a matter of taste. This was the only reason given for proposing such a bill two years before it was intended to carry it into effect. He would beg the House not to adopt such a principle upon the mere visionary expectations of what was to be the state of things two years hence. He did not fully understand the bearing of the thing. There was perhaps no man in the House who did. For this reason a committee would be necessary, and if no other person in the House moved for it, he would. The next subject offered to their consideration was the continuance for another year of the Bank Restriction. The right hon. gentleman said, it was with the greatest unwillingness he felt himself called upon to propose it. Nothing but the strong necessity of the times could induce him to do it. He appeared in the utmost despondency. The right hon. gentleman one or two sessions back, had said that he did not entertain the smallest doubt that the Bank would be able to resume their cash payments in July next. If the right hon. gentleman expected really that they would be resumed, he could assure him that he was the only person who entertained any such hope. The right hon. gentleman told them that the directors were fully prepared and willing to pay in cash, and that the restriction would only continue for one year more. The right hon. gentleman must forgive him if he did not believe one word of it. When July 1819 arrived, it would be then said, that they might as well continue the restriction for another year—that it would throw every thing into confusion to resume cash payments until the other fine plan began to operate. Sure no man of decent habits of life could then find in his heart to refuse such a proposal [a laugh]. The thing was no joke; it was a matter of the highest importance. In this manner for one year, and for many other years, would the Bank Restriction be continued. The chancellor of the exchequer had said that he was most sincere in his wish to resume cash payments, and he answered for it that the Bank was just as sincere. In this, he believed him. The Bank and the chancellor of the exchequer were just as sincere the one as the other. The system of finance on which the chancellor of the exchequer proceeded, was irreconcileable with the system of cash payments; and as the Bank lived on their profits, which they could not increase indefinitely if they were obliged to pay in cash, they thus agreed together perfectly well. The chancellor of the exchequer trembled at the very idea of the Bank resuming their payments in cash. He knew what the consequences of it would be—that it would raise the interest of money, that it would produce an immediate change in the price of all articles, and that there would be an end to all his fine speeches about lowering the interest of money.—It was said, that the Bank had done every thing in their power to prepare themselves for the resumption of cash payments at the time provided by parliament. Quite the contrary. They had done every thing in their power to avoid it by increasing their notes in circulation. They were allowed two years to make provision for this event, but in place of doing so, they had augmented their issues by two millions and a half. Could the Bank think that people were "such dolts and ideots," (to use the phrase of a right hon. gentleman opposite) as to believe that they had thought of preparing themselves for the resumption of their payments? They and the chancellor of the exchequer managed the matter thus between them. They went on talking to the right hon. gentleman in private about resuming their payments, while they were totally silent upon the matter in the House. He was prepared to admit, that the resumption of cash payments in July next could not but be attended with a great revulsion, a great change both in the domestic and foreign pecuniary relations of the country. Knowing that such must be the effect, was it not a grave charge against the Bank, that they had neglected those preparations which they should have made, and that instead of it they had increased their issues. But how had this increase of issues taken place? By purchases of exchequer bills, or by advances to government on exchequer bills. Of the ordinary securities—bills which they had discounted—they had hardly any, as bills could be discounted by others at so much lower a rate. Here was the mutual accommodation; the Bank by purchasing government securities, raised the price of them, and enabled the chancellor of the exchequer to make flourishing speeches; and while he was making flourishing speeches, they were making flourishing profits. The chancellor of the exchequer having brought forward this proposition in the teeth of his solemn assurance, had given, in the way of an argument, an account of the state of things 27 years ago; but for any reference to the present question, he might as well have stated what had happened in the time of king William.—The only question now was—what would happen if the cash payments were resumed in July next? The chancellor of the exchequer had read two resolutions of the Bank in 1795 and 1796 declaring that this body would be in great jeopardy if the Austrian loan of four millions and a half was negociated. But, if his recollection was correct, the price of bullion was not at all affected by the remittances for that loan. But they must consider the different circumstances of the times. Men did not then demand gold to send it abroad, but to hoard it. A small body of French had shortly after contrived to throw themselves on the coast of Wales, and many timid persons thought it safe to have 100 or 150 guineas by them, in the dread that the Bank would not be able to fulfil its engagements. The sums of money which were brought forward at the conclusion of the war proved this. But at this time, according to the chancellor of the exchequer, there was a laudable abhorrence of the precious metals, and if there was one thing which Englishmen loathed more than another, it was the sight of gold. The commerce of the country was flourishing—but the chancellor of the exchequer, on the look out for arguments to support the restriction, had produced lists of the persons who had gone abroad. His first statement of 90,000 persons who had left the kingdom was very appalling. But he had happily shown them that all but 12,000 had come back again. These persons the chancellor of the exchequer had calculated drew from this country for their expenses about two millions and a half sterling. He himself had been certainly four times on the right hon. gentleman's travelling list, twice going and twice returning from France during the last two years. The calculation of expense was, he thought, an exaggerated one—at least he hoped to be allowed to put in a protest against the average share of it, which on this amount he might be supposed to have incurred, for the proportion assigned was certainly above his mark [A laugh]. The foreign loans formed also a principal part of the reasons which dictated the right hon. gentleman's present measure. The English contribution to these loans could of course be ascertained; but how could the sums raised in France be ascertained? By an examination of the parties concerned, the British share in these transactions could be got at, and the House could then see the extent of their operation as affecting the currency of this country. It would then, he had no doubt, be seen that these loans would not furnish the slightest argument for one hour's farther continuance of the Restriction act. The whole secret lay in the transactions between the bank directors and the right hon. gentleman, who knew very well that the former were his masters. "I," said Mr. Tierney, "told him so two years ago; and I may use the words of the poet—I thought so then, and now I know it" [A laugh]. Without the Bank advances and dealings with the right hon. gentleman, half his bubbles would have burst while he was blowing them up.—He trusted that a committee would be appointed to inquire into the reasons for continuing the restriction in a manner so suspicious that it seemed as if it had been determined to continue it for ever. The Bank by their purchases of exchequer bills, were the masters of the chancellor of the exchequer. It was strange that the chancellor of the exchequer, who was alive to the danger of persons investing their money in foreign funds, should try to make our own as unproductive as possible. When he made that attack upon the sinking fund, which had reduced it to its present state, he had given as a reason, that if the sinking fund went on increasing it would lower the interest of money. Yet now the object of all his plans was, to effect this reduction of the rate of interest which he had before dreaded as an evil. At the present price of our stocks, how was it possible to prevent persons from embarking their money in the French funds, in which they got an interest of seven per cent; which, if the security was not so good, afforded an ample insurance against risk. Besides the 12,000 persons who were constantly abroad, there were many others who were continually making remittances of their capital for the sake of higher interest, and every step which the chancellor of the exchequer took tended to promote this. When the rate of interest fell in proportion to the prosperity of the country, it was to be welcomed as a signal of that prosperity; but he deprecated the artificial system of raising the funds by the exertion of the govrnment. Since the 25th of June last, every exertion of the chancellor of the exchequer had been directed to that end. He had been authorized to raise 300,000*l.* on the security of the woods and forests, but as he did not immediately want the money, he had put it in the funds. Luckily, the speculation had succeeded—but in a private individual this would have been called stock-jobbing. There was the clause also to augment the produce of the sinking fund in November and December last. By these acts, the price of stock had been raised, and the efficiency of the sinking fund had been consequently diminished. The expectation of reducing the 5 per cents had, however, failed, and they now remained just as they were, though, not long ago, the chancellor of the exchequer had not doubted that the interest of them could be reduced at least to 4 per cent. The fluctuations which had taken place in the funds had originated in the doubt, whether or no cash payments by the Bank would be resumed. That doubt had now been settled. The evil day was postponed, because the chancellor of the exchequer was afraid of facing it. There was reason for some fear that the return to the former system of the country would be attended with difficulty, and some danger; but this was a reason why it should not be postponed, as by every delay the difficulty and danger were increased. Every ground on which the resumption of cash payments had been formerly opposed was now entirely done away. The pretext of the foreign loans was now brought forward, and it was for the House to say, whether they would hold up to Europe the example of a paper circulation, merely because other countries took a different course. The drain on this country by French loans he was persuaded, would not be considerable. There was much unemployed capital in France; and he was persuaded that the consequence of the course that country now pursued, would be, that they would not need much pecuniary assistance from abroad. He again pressed on the House the necessity of a committee. Without some inquiry, who could affirm that the Bank might not be able to resume its payments? Perhaps six months might be time enough for it to prepare for resuming them. And above all, some enactments should be made to compel them to make preparations against the time fixed by law for the expiration of the restriction. This, too the chancellor of the exchequer would resist, more than all the rest. His object was to keep up a great paper circulation, to force up the stocks, and to reduce the 5 per cents. But the House, he hoped, would not lend itself to this project without examination. If the report was brought up on Monday, he should move to postpone it, in order to move for a committee. Without some inquiry, the right hon. gentleman could not with decency require the assent of the House to his plan; nor would Mr. Pitt, with all his confidence in himself, have ventured to demand it under such circumstances.

Mr. *Grenfell* concurred in the sentiments which had been so ably delivered by his right hon. friend. He would not on the present occasion enter into details, but he could not refrain from making a few allusions to the many pretexts on which the restriction act had been prolonged, and which, if continued, would have so injurious an effect upon all the property of the kingdom, and necessarily produce here the same mischiefs that such a system had uniformly produced in every country in the civilized world which was left to depend on a paper issue not convertible to a metallic currency. The right hon. the chancellor of the exchequer had stated something like three reasons for the continuance of the restriction act (that of the country banks he looked on as a minor consideration in comparison with this)—The first was, the state of foreign exchanges, and the prices of gold. Now, he recollected that in 1815 the reasons urged were, that the course of exchange was 11 per cent against us, and the price of bullion 14 per cent. But what had been done in the following year to redeem the solemn pledges made? The exchange was in 1816 in our favour; gold was only 3 per cent above par, and silver considerably below it. Notwithstanding this favourable change, nothing had been done by the right hon. gentleman, who said that it was better at such a moment to let matters subside and settle. The state of the harvest of 1816 was also alluded to, and also that of the following year; but the right hon. gentleman could not forget that for the whole spring and summer of 1817, the course of exchange was greatly in our favour, and the price of the precious metals at par. It was in the autumn of 1817 that these advantages ceased, and then, not on account of the harvest, but in consequence of the increased issue of bank notes which then took place. There was the index and the barometer by which the real cause and its progress could be distinctly explained. The last reason was, the foreign loans. This was equally futile. If a wealthy German merchant happened to settle in this country, and contract for a Prussian loan—and a rich English merchant should go over to Paris, and treat for a French loan, was it to be borne that for such a reason incalculable mischiefs should be endured by a whole people? He could not dwell without warmth on such flimsy pretexts; but he would at present restrain himself, and defer his observations until the bill was brought in. On the subject of the country banks, he would at present only put one question to the right hon. gentleman, and that was, whether the stock deposits were to be held as security for the 1*l.* and 2*l.* notes only, or for the 5*l.* and higher ones also?

The *Chancellor of the Exchequer* stated, that he had no intention whatever to cast any reflection upon country bankers, nor was such a supposition warranted by the character of the measure which he proposed to bring forward; for this measure was not suggested by any degree of distrust or suspicion in those individuals, but by a reasonable and proper solicitude for the interest and satisfaction of the public. With regard to the question of the hon. gentleman who had just sat down, he had to state, that the proposed deposit of stock by country bankers was to form a security for all notes under five pounds which these bankers might issue, but any surplus deposit would be deemed an additional security for their other notes. As to the assertion of the right hon. gentleman with respect to the influence of the foreign loans in 1795, upon the price of bullion, he should refer to the evidence of Mr. Abraham Newland, before a committee of that House. From this evidence it appeared that the price of bullion in 1797, was four guineas an ounce. To the observation of the right hon. gentleman respecting the issue of debentures upon the capital stock of the country, he could say, for the satisfaction of the right hon. gentleman and the public, that no such plan was ever in his contemplation. He had seen what had been written upon this subject by Mr. Dunn, by whom so much discussion as to this point had been excited in the public newspapers. He had also had some communications with this individual, and without meaning to say that no case could arise in which it might not be expedient to convert the capital of our debt into a floating security, he did object to the adoption of Mr. Dunn's plan at present, because he conceived that, while there were so many exchequer bills in the market, either those bills or the proposed debentures must fall in value. The idea of issuing a paper circulation upon the security of stock, was, it would be recollected, suggested many years ago in the pamphlet of Mr. Weston, a most respectable solicitor, but Mr. Pitt did not at the time think it expedient to act upon that suggestion. There was, indeed, a part of the scheme of Mr. Weston to which he (the chancellor of the exchequer) felt a strong objection, namely, that of rendering such paper a legal tender. This pamphlet of Mr. Weston's was, however, of considerable value, and he was free to confess, that a part of the plan which he had that night had the honour to submit to the committee, was taken from it. He hoped that this plan would serve to provide a remedy against the introduction of an insecure currency into the general circulation of the country. If it were said, as it had been urged in the course of the discussion, that this plan would leave the larger notes of country bankers comparatively insecure, he should answer, that that objection was of no importance, as such notes were always liable to be considered with more care, and received with more caution.

Mr. *Grenfell* observed, that it was somewhat singular that a pamphlet published in 1800, and so much applauded, should only now come to be acted upon. He expressed his surprise, that although there were seven directors of the Bank present, not one of them had thought it worth while to favour the House with a single observation upon a subject so materially affecting the credit of the establishment with which they were connected. With respect to the evidence of Mr. Newland, he distinctly recollected the particulars of that evidence. Mr. Newland was asked, whether the price of gold in 1797 was not so high as four guineas, and that gentleman answered in the affirmative. But this, he (Mr. G.) could affirm, was not the market price of gold, as would indeed appear from an examination of the tables. It was, indeed, true, that the Bank paid four guineas an ounce for gold, but this expense was incurred upon gold imported in 1797 from Hamburgh, through the house of Eliason and Co., and this gold, when brought to the Bank, cost four guineas an ounce; that, however, was not the market price of the day.

The motion was agreed to. The House resumed, and leave was given to bring in two Bills; the first, "for farther continuing an act of the 44th of the king, to continue the restrictions contained in several acts of his present majesty on payments of cash by the Bank of England;" the second, "to authorize bankers in England and Ireland to issue and circulate promissory notes secured upon a deposit of public Funds, or other government securities."

HOUSE OF LORDS.

Friday, April 10.

State of the Currency of the Country.] The Earl of *Lauderdale* said, that after what had passed last night in another place, to which he conceived he was at perfect liberty to allude, he thought it necessary to advert to the motion of which he had given notice, respecting the currency of the country. The business to which he referred was intimately connected with the subject of his motion, and was of the greatest importance. Two measures, he understood, had been proposed; first, the continuing of the Bank restriction act; secondly, a regulation respecting the notes of country bankers. Both were measures which called for the serious consideration of their lordships; but the latter was, besides, an extraordinary innovation on the general principles on which banking establishments had hitherto been conducted, and one which, in his opinion, required the immediate attention of that House. Under these circumstances he had resolved not to postpone his motion, which would have for its object the paper currency, as well as the coinage, of the country. He should therefore bring it forward on Thursday.

Fees of Courts of Justice.] The Marquis of *Lansdowne* rose to move an address to the Crown, for copies of the reports of the commissioners appointed in 1814, to inquire into the Fees paid to officers of the several Courts of Justice in the united kingdom. He could not anticipate any opposition to this application; at the same time, the discoveries which the commissioners had made with respect to the practice of taking fees, especially in one part of the united kingdom, were of so extraordinary a nature, that he apprehended he might be excused, if he called their lordships attention to them by a few observations. When the authority was given for the inquiries which had been instituted, it certainly never was supposed that any of the venerable persons at the head of the courts in the united kingdom had, in any way, sanctioned the abuses which had grown up. Accordingly, it was found upon inquiry, what, indeed, no inquiry was necessary to establish, that their character was unimpeachable, and that the more it was investigated, the more evident its purity would appear. It must, however, be obvious to their lordships, that it was perfectly impossible for the heads of courts to superintend all the details of the practice of clerks and inferior officers, in which the interests of suitors were involved. It had, indeed, been found, that in one part of the united kingdom (Ireland), suitors had suffered most severely from the unjust and illegal exactions of officers holding situations in the courts of law. He should briefly allude to some of those iniquitous extortions, and in doing so, he must remind their lordships, that no class of persons were placed in so defenceless a situation as poor suitors, who were destitute of all means of resisting the extortions imposed upon them; and that therefore none were more entitled to their attention and protection. It would, however, appear from the reports for which he was about to move, that there was scarcely an instance in the practice of certain courts having been enacted by the legislature, though intended for purposes unconnected with fees, which was not made an instrument of new extortions from the suitors. It would be found also, that rules expressly made by the courts for the benefit of suitors had been perverted to their injury. A remarkable instance of this kind occurred with regard to an order made by the court of chancery in Ireland, to allow the solicitors in causes to attend, instead of the six clerks. It had been contrived to evade the effect of that order; and, in one case, no less than 197 attendances were charged to a suitor, though not one of the clerks had attended. It would likewise appear, that most unjustifiable extortions had been practised with regard to offices executed by deputies. In some instances, where the emoluments of the principal arose from fees, he had appointed a deputy, who increased the fees; that deputy again sometimes appointed a clerk, who made additional fees; so that the unfortunate suitors had, first, to pay the principal; secondly, the deputy; and thirdly, the clerk. Indeed, in many of the courts in the sister kingdom, the clerks had been in the habit of varying the price paid for the sheet of office copies of papers, without assigning any reason, except that they found some solicitors willing to pay more than others. When they met with solicitors who were disposed to do their duty towards their clients, they abated in their demands; but when the solicitors were inclined to yield, the exactions of these gentlemen increased in proportion.—In some of these courts, the practice followed in taxing bills of costs was often rendered a subject of great vexation to the parties. It might be expected that the party to whom that duty was referred would be one who had no direct interest in the matter. Yet, in one court, it had so happened, that the party who made the charges had been allowed to tax the costs. It thus often happened, that the charges were 50 per cent higher than they ought to be. There was an instance in one of the courts, in a case of error, where the demand for office copies of papers amounted to 400*l*., though the property in question did not exceed 300*l*. This enormous demand had induced the party to make an application to superior authorities; but he found he could obtain no relief, except by proceeding with his suit, which would have increased his expense. He was therefore induced to abandon all farther proceedings, though it was generally understood that the opinion of the court was favourable to his claim.—There was one circumstance more connected with law proceedings to which he should take the liberty of referring, and in what he should say on that subject he was fully persuaded he should be supported by the concurrent opinion of the noble and learned lord on the woolsack. He meant the state of the law with regard to the stamps on legal proceedings. The duties on stamps had been imposed during a time of war; but if the necessities of such a period could be urged as a reason for laying them on, it might reasonably be hoped that the burthen would be lightened on the restoratiun of peace. Their lordships were now called upon to consider whether these oppressive duties ought to be continued. In his opinion, the public distress had afforded no excuse for these taxes, which were levied on private distress—which were often extracted from misery itself. Disapproving of all law-taxes, which were burdens imposed on the necessitous, and obstacles to the obtaining of justice, he could not but condemn the enormous duties levied by law stamps. Great, however, as the evil was, it had been immensely aggravated by the ingenuity of clerks and officers in some of the courts to which he had already alluded; for when, by an act of the legislature, stamp-duties were required on office-copies of certain papers, these clerks had availed themselves of that circumstance to increase their fees. In Ireland the fees had on this ground been in general augmented 25 per cent. There was a case mentioned in one of the reports, where the stamp-duties came to 69*l.*; but the charge, including fees, was 459*l.*: so that, when the legislature intended that parties were to be charged only 69*l.*, about seven times that sum was extorted from them. Thus property was destroyed by the means to which it was necessary to resort in order to secure it. He was far from imputing any blame to his majesty's government on account of these nefarious transactions. He had no doubt that ministers would visit the offenders with just severity, and believed them to be perfectly disposed to check, and even extirpate, the evil; but it would be satisfactory to the House to know what measures had already been taken towards this end; and this was certain—that it was their lordships duty to see that the object was accomplished. The noble marquis concluded with moving, "That an humble address be presented to his royal highness the Prince Regent, praying that he would be graciously pleased to give orders that Copies of the Reports of the Commissioners appointed to inquire into the Fees of the Courts of Justice in England, Scotland, and Ireland, be laid upon the table of the House."

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The Earl of *Liverpool* did not rise for the purpose of opposing the motion, which, on the contrary, had his most cordial support, but to make a few observations, suggested by what had fallen from the noble marquis. Their lordships must have heard with satisfaction what had been stated by the noble marquis respecting the heads of the different courts, whose conduct, as might have been expected, had been found liable to no kind of imputation whatever. He must also take the liberty of remarking, that nothing in the statement which their lordships had heard, and the matters of complaint in the reports, in scarcely any respect applied to the courts of England or Scotland, but were confined almost exclusively to Ireland. The investigations had been carried on with the greatest impartiality, and with all practicable diligence; and he believed he spoke the opinion of every man who had seen the reports, when he said that the conduct of the commissioners had been most exemplary. Indeed, every circumstance mentioned by the noble marquis tended to prove the honourable and upright manner in which their inquiries had been prosecuted. Four reports had already been made, and there were two more in a very forward state. The report on the court of chancery had been referred, after it was drawn up, to the lord chancellor of Ireland and the master of the rolls, by whom the labours of the commissioners were approved. With regard to the court of exchequer, in which the right of appointment to the office of the clerk of the pleas had become a question of legal dispute, the report was equally approved. A decision had been given in favour of the Crown by the court of King's-bench in Ireland as to the appointment of the clerk of the pleas; but an appeal had been made to their lordships House, where the final judgment must now be given. The report respecting the courts of error was important, and he could assure the noble marquis that his majesty's government would be happy to carry the recommendations of the commissioners into effect. He had thought it necessary to make the few explanations with which he had troubled the House. It would be for their lordships, when the reports should be before them, to consider whether it would be requisite to apply farther remedies to the evils complained of, which had arisen from no neglect in his majesty's government, and the existence of which could scarcely have been suspected before the investigation of the commissioners disclosed them. In the mean time, it could not escape observation, that this inquiry was one of the advantageous results of that measure by which the two countries had been united, and the proceedings which might be instituted on the reports would afford a farther proof of the attention of the united parliament to the interests of the people of Ireland.

The Earl of *Lauderdale* had great satisfaction in hearing that none of the extortions which his noble friend had recited were chargeable on the courts in Scotland. He could not help, however, reminding the noble lords opposite, that an inquiry of the same kind which was now acknowledged to be so salutary, had formerly received their disapprobation. The commissioners, who had been appointed to inquire into the state of the courts in Scotland, had not only reported what they considered as abuses, or unnecessary burdens, but had pointed out the means of redress. He hoped, however, that the report which he had heard would not prove true, namely, that appointments had lately been made to some of the offices in Scotland, the abolition of which had been recommended by the commissioners. He was exceedingly glad that these reports were to be laid on the table, which would give their lordships the opportunity of judging whether it was proper that the commissioners should continue their labours. It would be proper to take care that these commissions were not maintained longer than was necessary; for they were attended with no little expense. If maintained too long, they would justly deserve the name of jobs, and parliament ought to be as careful in guarding gainst the evils which might arise from their undue continuance, as in abolishing the abuses they had been the means of disclosing.

The motion was then put and agreed to.

HOUSE OF COMMONS.

Friday, April 10.

COTTON FACTORIES BILL.] Sir *Robert Peel* presented a Petition from all the cotton-spinning factories of Stockport, in favour of the Cotton Factories bill. The petition, he said, was entitled to great attention, because it came from persons well acquainted with the facts in which they desired alteration. It would show, that the masters themselves were petitioners at the bar of the House in favour of their labourers. It was signed by seven master manufacturers, the opinion of one of whom, Mr. Entwistle, was entitled to the greatest consideration, and of the rest he was persuaded, that if they believed the measure he had brought forward would tend to injure the trade, they would be the last to petition for it. It was, moreover, signed by thirteen resident clergymen, who had an opportunity of knowing the condition of the objects of it, and by not less than eight medical gentlemen. He thought the petition was of the first consequence, in showing the necessity of the measure he wished to have adopted.—The petition was then read: it purported to be from the labourers above sixteen years of age, employed in the cotton-spinning factories of Stockport, and others of that town, and stated in substance, that under the existing regulations, workmen were over-laboured, over-heated, and subject to oppressive inconveniences; that the personal experience of most of the petitioners showed how injurious the system was to the constitution. It prayed that a shorter period of labour might be established, and added, that the petitioners had no expectation of relief, but from the wisdom and liberality of parliament.

Sir *James Graham* thought that the House would not attach as much importance to the petition as the hon. baronet had, when they were informed of the real character of the petitioners. He would inform them, that these petitioners were no other, for the most part, than a set of idle, discontented, discarded, and good-for-nothing workmen, who conceived that they did too much, when in employment, for the wages which they received. He knew them to be of the description which he had stated, and he had no doubt, that if the bill before the House were carried in the present session, these men would endeavour next year to have a bill carried to limit their hours of employment to a much smaller number than that which was fixed by the bill. He thought that manufactories and the workmen employed in them should not be interfered with by any legislative regulation, so far as the hours they might consent to work were concerned. He should beg leave to add, that if such a regulation, with respect to free labour, had been passed when he was a boy, he should never have had the honour of a seat in that House.

Mr. *Curwen* said, he was averse from granting the prayer of the petition. The petitioners asked that their time of labour might be reduced to ten hours and a half: if that was conceded, the next prayer would be, that it might be brought down to nine. The House should remember, that if the principle were once adopted in the case of the cotton-spinners, there was not a trade in the kingdom that would not desire the same interference and the same reduction. He thought an alteration was advisable; but he verily believed it would come at no great distance from the parties interested themselves. He believed the masters, if left to themselves, would shortly reduce the hours to twelve.

Sir *R. Peel* begged it to be distinctly understood, that, to his certain knowledge, the character of the petitioners varied materially from the character given of them by the hon. baronet. They were respectable inhabitants of Stockport, professional men, and clergymen, who, observing the evils of the existing system, stepped forward to give that information which the House ought gratefully to receive. He was certainly of their opinion; having long been convinced (and he was happy to hear that his hon. friend who had last spoken entertained similar sentiments), that the hours of labour in cotton factories were protracted to an excessive length.

Mr. *Butterworth* said, that he knew many persons in the north of England, who were in no way interested in cotton factories, but who were unequivocally of opinion, that unless some decided measure were adopted, with respect to the rising generation, the lower classes of the community would, in a few years, become a most degenerate race of human beings.

Mr. *Finlay* was well aware of the evils which were attendant upon protracted hours of labour in manufactories, but he was convinced they were not confined to the cotton manufactories alone. In several others there were younger children employed, and for a longer period of the day. He should state to the House what had occurred in the committee upon the subject of manufactories. It was there ascertained, that children of a more tender age were employed in the silk factories, and for a longer time. The same might be said of the potteries, but no remedy had been applied to them. Why, he asked, if the evil was admitted to be the same in both cases, was not the same remedy applied? Why not extend the operation of the bill to all cases where similar causes might render it necessary? But he could state to the House, that it was not the fault of the manufacturers that the people were employed for so long a portion of the day. They were compelled to work by that greatest of all necessities—hunger. The evil was inherent in the very nature of manufactories, and in the present state of society, and unless these could be altered, it would be useless to make any legislative regulations to remedy the evil which arose out of them. Let those who possessed manufactories endeavour to improve the condition of those who they employed. They possessed the means of doing so under many circumstances; but the House was mistaken if they imagined that the evil could be remedied by mere legislative measures. He was aware that many of the master manufacturers had consented to the present measure from motives of humanity. He gave them credit for it, but he wished that a mistaken notion of humanity might not lead them to injure those whom they wished to serve; and he was convinced, that the effects of the present bill would operate more to the injury than the benefit of those for whom it was intended.

Mr. *Wynn*, without entering into any argument on the question, wished merely to state, that he did not think the adoption of the bill which had been introduced by the hon. baronet, would evince any hostility to the principle, that it was generally expedient not to interfere with free labour. For on what was that principle founded? On the knowledge that, by leaving the regulation of the labour in the hands of the master, if he worked his labourer too hard, that labourer could resort to some other employment. Now this was wholly inapplicable to children of a tender age, who were placed in cotton factories, and who were necessarily at the mercy of their masters. What remedy had they if they were overworked? He did conceive, that it was in strict conformity to the principle on which the

House ought to act, that they should interfere in the case of children who had no resort when oppressed. Where was the difference between children who were free labourers and apprentices? Those children, who were placed in cotton factories by their parents, had no more remedy if overworked than apprentices. They had not so much; for apprentices had it in their power to go before a magistrate, and complain if their masters tasked them beyond their strength. If it was proved that in any way the masters were enabled to task the children whom they employed beyond their health and strength, he was completely ready to contend, that a case had been made out which called imperatively for the interference of the legislature.

Ordered to lie on the table.

War in India.] Mr *Howorth* rose and said;—I am desirous, Sir, of putting some questions, on a very interesting and important subject, to the right hon. gentleman opposite, who is at the head of the administration of India. It has been stated to the public, in the daily prints, that two battles have been already fought between the company's troops and the Mahratta forces. It has been said, that the Peishaw, with a large army, amounting to 40,000 men, attacked a body of the company's troops, which had been admitted into his territory in perfect amity, and for purposes of mutual advantage. I am not aware what could have been the motive for this sudden act of hostility on the part of a chief with whom the company had been for so many years on terms of friendship, but the statement is, that with the army which I have described, he did actually attack a body of 4,000 subsidiary troops in the service of the company. This gallant little army is said to have completely repulsed its assailants, and its success is in a great measure attributed to the bravery and skill of its officers; but in consequence of the great disparity of numbers in the contending parties, the conflict is described to have been severe, and the slaughter to have been in proportion to that disparity. A few days afterwards, it is said that the company's army, having received a reinforcement, attacked the Mahrattas in their turn, defeated the Peishwa, and got possession of Poonah, his capital. It is likewise stated, that unfortunately two British officers fell into the hands of the Peishwa, and that they were immediately executed. It has been the usual practice with the court of directors whenever dispatches have arrived from India of battles fought and lives lost, to take the earliest opportunity of removing the public solicitude by giving details of the actions and returns of the killed and wounded. In the present instance, the dispatches have not come to the directors, but have been transmitted to the Secret department, and are in the board of control; it is therefore that I ask whether these statements are founded in fact? If they are, I am quite sure that the right hon. president will feel the propriety of taking the earliest opportunity of relieving the relations and friends of those engaged in these transactions f om that anxious state of suspense in which they are at present most painfully placed. But, Sir, I understand that later accounts have been received from India of still greater importance. It is said that the rajah of Berar, with a force similar to that under the Peishaw, made a simultaneous attack on another body of the company's subsidiary troops. I confess, Sir, that this last intelligence fills me with the most unaffected alarm; and I beg to ask the right hon. gentleman, with reference to this as well as to the former report, whether or not it is founded in fact? and if it is so, what are the particular circumstances which have come to the knowledge of his majesty's government with respect to it?

Mr. *Canning* said:—I am very ready Sir, to give the hon. gentleman and the House all the information in my power on this subject, although I cannot undertake to enter into any of the details respecting it. It is undoubtedly true, that the Peishwa has commenced hostilities against the forces of the East India Company. It is undoubtedly true, that in two actions fought between armies greatly disproportionate in point of number, the advantage was decidedly in favour of the company's troops. But Sir, I am happy to add, that one part of the statement refered to by the hon. gentleman, is not true, namely, that the slaughter was proportionate to the disparity of the force of the conflicting parties. We are not in possession of such returns with respect to these battles as it would be fit to publish under the authority of government. While the possibility of doubt exists with respect to the accuracy of the eturns, it would be highly improper to give them any official sanction; for those who are as well acquainted with India as the hon. gentleman, know well how much private account from that quarter of the world outrun official details in various relations. Some of the statements, therefore, which have been alluded to by the hon. gentleman, I, morally speaking, have no doubt are facts, although I am not competent so to announce them officially. As far, however, as I am informed on the subject, it gives me great satisfaction to say that it does not appear that these conflicts have cost the life of a single European officer, and that not more than three officers were wounded, the names of whom have appeared in all the newspapers, on the authority of the Bombay Gazettes, which, singular as it may appear, have not reached his majesty's government. It is, I fear, true that two individuals, the one an officer, the other a gentleman in the civil service, suffered in the way mentioned by the hon. gentleman. With respect to the proceedings of the rajah of Berar, the information possessed by the secret committee of the directors of the East India Company, and by the board of control, rests on a single letter without a date. If the hon. gentleman asks me if I believe the information which the letter contains, my answer is, I do. But if he asks me if it is of such a nature that I can communicate it with the sanction of official authority, my answer is I cannot. The hon. gentleman will easily see, that an undated letter, which merely states an attack by the Mahrattas, but not the result—I mean any farther than their immediate repulse—is not an account of the transaction which could with propriety be published by authority. This I will undertake to say, that there is no disposition in any quarter to withhold intelligence respecting this interesting subject, or to do any thing not conformable to the established usage respecting Indian affairs. But the hon. gentleman knows as well, or indeed much better than I do, how litte interest is excited here by the occcurrences in that quarter of the globe. Singular as it may seem, it has never been the practice to communicate to parliament any intelligence from India, except in cases of a very extraordinary nature. So far am I, however, from wishing to withhold any thing that can properly be granted, that if the hon. gentleman will frame a motion for such information as ought to be and can be furnished, I will most readily assent to its production: and if he will do me the favour to communicate with me on the subject, I shall be very happy to assist him in preparing such a motion.

Mr. *Howorth* expressed himself extremely obliged to the right hon. gentleman for the candid reply which he had made to his questions. He would certainly avail himself of the right hon. gentleman's kind offer of assistance, and would take an early opportunity of submitting to the House a motion on the subject.

Lord *Morpeth* thought the House much indebted to the hon. gentleman, for having called their attention to this important subject. He agreed with the hon. gentleman, in thinking that the circumstances had a very formidable appearance; and he trusted that the public would soon be put in possession of accurate information with respect to them.

BREACH OF PRIVILEGE--INTERFERENCE OF A PEER IN THE ELECTION OF A MEMBER OF THE HOUSE OF COMMONS.]

Lord *Archibald Hamilton* rose, in pursuance of the notice he had given, to bring before the House his complaint of a breach of its privileges, by a member of the other House of Parliament He regretted extremely, being obliged to discharge so painful a task as that, which his duty imposed upon him on the present occasion, but he had in this business guarded himself from listening to any thing, but that which could be sufficiently proved to make out a case to the House, founded on authority which could not be questioned. Such a case he would now submit to them, as must shield him from the slightest imputation of being excited by personal feelings alone. It would not be denied by any hon. gentleman who heard him, that the privileges and the independence of that House, were the sources of all the national power and prosperity. It was to secure those privileges and to support that independence, that he came forward on the present occasion; and therefore, whatever might be the result of his motion, he hoped he should appear to the House to have only discharged his duty in bringing the subject under their consideration. Frequently had the House of Commons been reproached for the manner in which it was constituted; and the best answer that could be made to the charges advanced against the purity of the House in many of the petitions that had been presented for parliamentary reform, would be to evince a disposition to investigate cases of the nature of that to which he was about to call their attention. The country with which he was more particularly connected—Scotland, had been more peculiarly the object of such charges; (arising probably from the mode of election in that country, rather than from any thing in the character of the people); and it was, therefore peculiarly desirable, that any specific imputation on that country should be strictly inquired into. The case which he was about to detail to the House, regarded the county which he had the honour to represent.

In order that the House might fully understand the transaction, it was necessary for him to state, that, about a year and a half ago, sir Alexander Cochrane announced his intention of becoming a candidate at the next election for the representation of the county of Lanark; since which time, a most active canvas had been carried on; the whole influence of every partizan and dependent of government having been exerted against him (lord A. Hamilton), in a way which, without intending to reflect on the character of his opponent, he could not avoid calling unfair and improper, and which had necessarily been productive of great irritation in the county. It was not, however, this treatment which for a moment induced him to make his present complaint. He felt it to be his public duty to do so, and he hoped he should have discharged that duty under any circumstances. It was necessary for him to inform the House, that he had communicated his intention of bringing the matter before them to the noble lord, by whom sir Alexander Cochrane's cause had been the most warmly espoused. He did not mean to charge that noble lord directly with a breach of the privileges of that House, but such a breach had been committed in some quarter; he was persuaded, that he possessed evidence so circumstantial as to convince the House of that fact, and it would be for them to decide on that evidence to whom the breach was attributable. The case was simply this: he held in his hand a letter written by a person of the name of Thomas Ferguson, who was employed under the factor of the noble lord to whom he had alluded, and who must therefore naturally be supposed to write under his influence; especially as it was stated in the letter, in plain and distinct terms, that the writer had his lordship's authority. At the same time, he (lord A. Hamilton) was bound to state, that he had communicated with the noble lord on the subject (intimating his intention of bringing the subject under the consideration of parliament), and that the noble lord had given a general denial (to the nature of which he would presently advert), that the letter in question was written by his authority. After this denial on the part of the noble lord, it might perhaps seem that his (lord A. Hamilton's) farther proceeding in the matter was actuated by personal motives; but, he begged leave again to disclaim any such ground of action. The circumstances of the affair, not only gave him a right to bring the subject in its present shape before the House, but made it his duty as a member of the House to do so. He stood in his place in the House of Commons to complain of a breach of privilege, which breach of privilege had most certainly been committed. If unfortunately the noble lord should appear to be more involved in the affair than any other person, it was the noble lord's fault, and not his. He wished it to be distinctly understood, that when a noble lord asserted the very reverse of that which had been asserted by another person, he by no means meant to say, that the noble lord's assertion was untrue; but this he should maintain, that when two individuals told any circumstance so differently, that it was impossible to believe them both, it was indispensable to weigh the evidence on each side, and to give credit to that party for which it preponderated. And besides, the answer which he had received from the noble lord to the communication which he had made to him, was, as he had before observed, couched in terms so general, as not to be altogether incompatible with the inference that Ferguson's letter had been written with the noble lord's authority.

In what he had said, he had endeavoured to soften the feelings which had been excited in him by the noble lord's answer to his communication. If the charge conveyed in Ferguson's letter should turn out not to be well-founded, it would be a matter of regret to him, that in the prosecution of his duty, he should have been obliged to use the name of the noble lord in the way he was now under the necessity of mentioning it; but, on the other hand, if, after the proper inquiry, it should be manifest to the House, that

Ferguson's letter was actually authorized by the noble lord, he should then feel it his duty to resort to stronger measures. The letter was addressed to William Dykes, esq., a freeholder of the county of Lanark, and as the House seemed desirous of hearing it, he would read it to them:

"*Glasgow, May* 24, 1817,
No. 50, Miller-street.

"Dear Sir;—According to your desire, I communicated to lord Douglas your wish to have a situation under government for your young friend Mr. Dykes; and I am authorized to state, that if you support his lordship's views in politics, at the first election, his lordship will secure an eligible situation for your friend, which will be of great advantage to him; and as you are independent of the Hamilton family, I think you should accept of lord Douglas's offer. If you have not made a promise to lord Archibald Hamilton, I think you have good grounds to get clear off from what you mentioned regarding your vote, for you certainly have not been well used.

"If an application is made to you from the Hamilton family to promise your vote, I think you should not grant it, until I see you in Glasgow, when I will tell you all about the matter. Sir Alexander Cochrane is not at home just now, otherwise I would have written you more particularly: have the goodness not to mention this matter until the whole is arranged. I will write you when the noddy is painted, and I hope to have the pleasure of seeing you and Mrs. Dykes at Glasgow.—I am, dear Sir, your most obedient servant, THOMAS FERGUSON."

(Addressed)
William Dykes, esq., of Lambhill,
by Strathaven.

On the face of this letter there was certainly the appearance of lord Douglas's sanction and authority. The writer said, "I am authorized to state to you;" and these words immediately followed the expression, "I communicated to lord Douglas your wish." And if the person by whom the letter was written had acted from his own impulse, and by no authority from lord Douglas, how did it happen that he should say, "I think you should accept of lord Douglas's offer?" Ferguson did not mention the offer as his own, but one from lord Douglas, which he had authority to make. He also mentioned at full length the names of the candidates; of himself (lord A. Hamilton), as the person whom the individual to whom the letter was addressed was to oppose, of sir Alexander Cochrane as the person whom he was to support. The admonition also "not to mention the letter until the whole affair was arranged," deserved peculiar notice. Some authority must have been given, or must have been understood to have been given to this man by lord Douglas, or by some other person in his name. The nature of the answer by lord Douglas to his (lord Archibald Hamilton's) communication was so general, that it was perfectly possible some authority might have been given by some person acting under lord Douglas for the offer in Ferguson's letter, and yet lord Douglas might not himself have authorized the writer.—Mr. Dykes had been subsequently waited upon by Mr. Ferguson; and, in consequence of that visit had written to him (lord Archibald Hamilton) stating, that Ferguson had no authority whatever from lord Douglas for the letter he had written. Authority, however, in some way or other, he must have had for writing such a letter. One of two things must have taken place—either lord Douglas himself must in some circuitous manner have given authority for the writing of the letter, or else some person connected with his lordship must have given the authority; for that the writer himself should have ventured to take such a step without having been authorized to do so, was a circumstance of a most improbable nature. The right hon. gentleman opposite seemed to startle at this. He (lord A. Hamilton) might be under some misapprehension; and he did not wish to cast any blot on the noble lord's name. Mr. Ferguson was employed as a clerk under the noble lord's factor; but it was perfectly immaterial to him whether Ferguson was connected in any manner with lord Douglas, or whether he received any authority from lord Douglas to write the letter. The point at issue was, whether any authority had been given to write the letter; for it was impossible to suppose that any person situated as Mr. Ferguson was, should without any authority use the name of lord Douglas, state the names of the two parties, request support for one of them, and at last beg secrecy until the whole affair should be arranged. No person could possibly think that Ferguson had not authority from some one to do what he did. To suppose that he had not, was to suppose him guilty of an absurdity of which no person in his senses could be capable.

Having stated the case, he wished merely to suggest to the House, the different ways in which they might notice the transaction. They might either order Mr. Ferguson to the bar of the House to give an account of the authority under which he acted, or they might refer the whole to a committee of privileges. It was quite indifferent to him which course was adopted; but it was his intention that Mr. Ferguson should be ordered to attend at their bar; because, in his opinion, that would be the best way for coming at the facts. There was still another course which the House might pursue,—they might give directions to the Lord Advocate, to commence a prosecution against Ferguson. But he thought that this was by no means advisable.—A single topic remained to which he wished to advert. He was not aware of the existence of any precedent immediately in point. He had, however, looked at some of the cases of breach of privilege which had occurred, and he thought that by every analogy the course which he recommended ought to be adopted by the House. There was, however, one act of parliament which he acknowledged, threw him into some degree of embarrassment — he meant the act of 1809, commonly called Mr. Curwen's act. The only difficulty was, that on Mr. Ferguson's being ordered to attend at the bar, the first question to be put to him would be, on what authority he wrote the letter. From the answer which he would return to that question it might become doubtful how far, under the act to which he had alluded, he might become chargeable with what he had done; and it might be considered unfair to call on him to acknowledge that which might eventually subject him to prosecution. But, on the whole, he did not think that the act in question would bear that construction. It applied only to cases of treating, and not to a case like the present. He should propose, therefore, that Ferguson should be called to the bar, and the House might subsequently proceed to other resolutions on the subject.

He repeated, that he viewed the part that he was now taking in no other light than in that of a public duty. He thought he owed it to the independent, unbought, and unbiassed freeholders of the county which he had the honour to represent, and who had heretofore returned him freely without fee or reward, to submit the case to the consideration of parliament; and in doing so, he felt that he did no more than sustain their rights, the privileges of that House, and the liberties of the country. He would therefore move, "That Mr. Thomas Ferguson do attend this House on Tuesday the 21st of April." In naming this day, however, he begged not to be understood as wishing to fix an inconvenient day; he would readily acquiesce in the nomination of one more distant if it should be calculated to afford any convenience to the individual in question.

Mr. Wynn suggested that the regular course was to deliver in the letter of which the noble lord complained. Lord A. Hamilton said he had no sort of objection to do so. The letter was accordingly delivered by him to the clerk, and read.

Mr. *W. Dundas* said, he thought that after the correspondence which had taken place between the noble lord opposite and lord Douglas, the noble lord might have spared his motion.—If he could not satisfy the noble lord on the subject, he was sure he should be able to satisfy the House; for he was desired by lord Douglas to declare to the House, upon his honour, that he never did give any order to any person to make any such promise as was mentioned in the letter which had been read to the House. He was desired, too, by that noble lord to state, that he was sure the House was too generous to doubt this unqualified and express denial, and too just to entertain any hasty and unfounded suspicion.—He therefore conceived that after having made this statement by the desire of lord Douglas, the House could not agree to the motion now before it, without implying a distrust in the word of honour of that nobleman. Having done with the conduct of lord Douglas, he wished to say a word or two respecting the conduct of the noble mover himself. There was an old saying, of which every day's experience proved the truth—that a man who lived in a glass-house should beware of throwing stones. What had the noble lord's own conduct been? Had the privileges of the House never been violated in his own case? When the noble lord first came forward as a candidate for the county of Lanark, he was backed by no mean interest, by no common individual. To further his election, letters were written by a person of the first rank in the nobility of Scotland, by the duke of Hamilton, the father of the noble lord. A complaint of this kind did not, therefore, come with the best grace from such a quarter. He should certainly oppose the present motion.

Mr. *Wynn* said, that this was a case of direct bribery—a most serious invasion on the privileges of the House. After the letter which had been read it was impossible to deny that the offence had been committed by some one. That it was by lord Douglas no man could for a moment suppose, after the positive denial which that nobleman had directed to be given on his part to the charge. But that the offence had been committed by Ferguson, the letter indisputably proved; and yet the right hon. gentleman sat down, saying, that he would oppose the motion, and that it was impossible, but that every gentleman must be satisfied—and why?—Because lord Douglas denied that he had given Ferguson any authority. After all, this was no more than the denial of the person accused; and, because the person accused denied the charge, therefore the Commons of England were to rest satisfied, though in possession of an indisputable proof that their privileges had been infringed [Hear, hear!]. He would not detain the House by quoting precedents. In 1779, when a complaint of this kind was made against the duke of Chandos, the question was referred to a committee of privileges. The same thing was done in the case of the mayor and corporation of Oxford. If the present case was passed over, it would be the first instance of such a neglect of what was due to the honour of the House. The course for the House to adopt was, either to refer the case to a committee of privileges to take evidence, or if it should be thought more convenient, to order the party at once to the bar of the House. But the House would be totally forgetful of their own dignity, if they did not inquire who the guilty persons were, and if, after discovering the offenders, they did not prosecute them with the greatest severity [Hear, hear!].

The *Lord Advocate* of Scotland observed, that according to the notice of the noble lord, the subject of his motion was, the interference of a peer with the election of a member of that House. Now, he would put it to the House, whether the noble lord in his statement, had brought any proof of the interference of a peer of the realm with the election of a member of parliament. The evidence referred to in his statement, was a letter from a person who was not a factor or servant employed by lord Douglas, or even employed on any estate of his lordship, in Lanarkshire. Whether he was employed on any other estate of the noble lord, he had no means of ascertaining. But this assertion rested simply on the declaration of Ferguson, that authority was given to him by the noble lord. Now, in opposition to this, they had the positive averment of lord Douglas, that this assertion was unfounded—and not only had they the statement of the noble lord, but they had the statement of that very individual himself, that he believed the assertion contained in his letter was utterly false. Now the question as proposed was, the interference of a peer of the realm with the election of a member of parliament; and he submitted whether there was any ground for believing that any such interference had taken place on the part of lord Douglas. The conduct of Ferguson was another matter. If he was the person charged with the offence, that was another question altogether. The motion before them was, that Mr. Ferguson should be ordered to attend at the bar. Now, he presumed the noble lord had in contemplation what questions he would put to Ferguson when he was there. It was a question of very grave consideration, whether he should be forced to answer queries by which he might criminate himself. The noble lord had alluded to another mode of proceeding—he mentioned that he had had it once in contemplation, that his majesty's advocate should be directed to prosecute that individual. Whether the noble lord relied on the individual who now filled that office or not, he did not know; but this he would say, whatever orders might be given by the House on this subject to him, to the best of his poor abilities he would endeavour to execute. He thought it was more consonant to justice and to law that the person alluded to should be put on his trial, than that he should be brought to the bar of the House. By bringing him there they were endeavouring to lay the foundation of a prosecution against him; and his own statement would be made a ground of crimination against him. The noble mover had said a great deal about the attempts of the servants and agents of government

Lord A. Hamilton said he had no objection to the amendment proposed by the right hon. gentleman. Mr. Bathurst suggested the propriety of withdrawing the motion, and substituting a motion to the effect of the amendment he had proposed. Lord A. Hamilton wished rather that the right hon. gentleman should propose his own amendment. Mr. Bathurst then moved as an amendment that the complaint be referred to a committee of privileges, to examine into the matter thereof, and to report their opinion to the House thereupon.

Lord *A. Hamilton* begged to offer a few words in reply. He said he was not aware of having stated this as a party question, nor of having stated it unfairly. He had brought it forward on general grounds, as a high breach of the privileges of that House; and the right hon. gentleman opposite must feel some disappointment that the House had not got rid of the question on the simple denial of the noble lord. He was not aware of having departed from the notice he had originally given, in the motion he had this evening proposed for the adoption of the House. He had stated on the former night, that the matter of charge regarded the interference of a noble peer with the privileges of that House, but he had never said, that the matter rested exclusively with that noble peer. This charge had been attempted to be rebutted by an assertion, that at a former period of his (lord A. Hamilton's) life, he had had no objection to aristocratical influence, and that in fact it had been exercised for him. To this he would reply, that he was not answerable for the conduct of others, and that whatever occurred so far back as fifteen or sixteen years ago, should have been made matter of complaint at the time, instead of being now raked up to defend other acts of impropriety. There was, however, a great difference between the character of the two acts alluded to. The mere personal request or solicitation of an individual, bore no resemblance to such an influence as that of which he now complained, which was palpably corrupt, and went to destroy the best rights of the electors. The lord advocate had said, that he had exercised no influence, because he had none to tender —this was certainly a very sufficient reason. He had also alluded to the manner in which electors were made in Scotland, but he at the same time well knew that there was no other mode of contesting a county election in Scotland but by creating these paper or parchment votes. He had often informed the House of the grievous state of representation in that part of the empire; for it was a fact that a man might have 20,000*l.* in land, and yet be not entitled to a vote. The noble lord concluded by acceding to the amendment, which was accordingly put and carried: and the name of lord A. Hamilton was added to the committee.

ORDNANCE ESTIMATES.] The House having resolved itself in a Committee of Supply to which the Ordnance Estimates were referred,

Mr. *R. Ward* said, he would detain the House but a very few minutes in introducing the Ordnance Estimates. A variety of regulations and retrenchments had taken place within the last year in the department of the master-general, and there was only a single addition in one particular branch. The general outline of the establishment for the current year, as compared with the peace establishment of 1788, presented only an augmentation of 47,000*l.*, which, considering the extended nature of the present service, was an extremely small addition, and at once showed the pains that had been taken to make every possible reduction. He would reserve any explanations that might be necessary till they should be called for, as the estimates were read. He concluded by moving, "That a sum not exceeding 596,469*l.* 1*s.* 8*d.* be granted to his majesty, in full, for the charge of the Office of Ordnance for Land Service in Great Britain for the year 1818."

Mr. *Bennet* wished to say a few words in behalf of a class of officers whom he could not but consider very hardly treated. He meant those of the drivers' corps. After very long service they had been put upon half pay, without any chance of being ever again called upon to act. There was a captain Humphries, who had served for three and twenty years in a most meritorious way, and in different parts of the world. After all this he was reduced to 6*s.* 8*d.* a day, while officers, not of three years standing, retired upon the full pay. There was this difference between the officers of the drivers' corps and others, that the former could not be restored to full pay by the commander in chief. The same observation might be made with respect to the Irish artillery. The officers of one of the Irish artillery corps had, after a long service, been dismissed upon half pay, while those of another corps had their choice either to continue in the army or to retire upon full pay. He hoped something would be done, were it even in liberality, to ameliorate the condition of the gentlemen to whom he alluded.

Mr. *Benson* concurred in the sentiments expressed by his hon. friend. It was too hard that gentlemen who had served so long should be obliged to retire upon half pay, without any chance of being called again into service.

Mr. *Ward* said, that the corps of artillery drivers had increased during the late war to 7,000 men, who were divided into twelve troops, with twelve captains and other officers. They had deserved well of their country, and distinguished themselves on every occasion, as far as the nature of their service allowed. It was not, therefore, for any fault of theirs that they were reduced, but they had experienced the same fate as the army. Eight troops had been reduced out of the twelve, and put on half pay. When, after the campaign of 1815, a fresh organization of the remaining four troops had taken place, as they were still retained, full pay was given to the officers who retired, and from that arrangement there had been no deviation. If captain Humphries was in those four troops, and did not receive his full pay, then he was not in the situation in which it was intended he should be placed, and he might not only claim his full pay, but its arrears. But if he belonged to the eight troops which had been reduced, then he was not entitled to more than his half pay.

Mr. *Bennet* contended, that the case was entirely anomalous. It was hard for a person who had served 22 years to retire with 6*s.* 8*d.* per day, whilst individuals, in more favoured corps, enjoyed their whole pay. He then instanced an Irish corps which had been reduced at the Union, and the officers of which had their full pay.

Mr. *Ward* differed in opinion with the hon. gentleman upon this class of officers. There was no intention it was true, of recalling them. There might be a chance of it, but there was no right. They knew this when they entered the service. The ground of his objection, however, to allow them full pay arose from considerations of finance. The case of the Irish artillery, mentioned by the hon. gentleman went against himself. There were two batallions of Irish artillery. The officers of one were reduced to half-pay before the Union. Another existed at the time of the Union, and the officers of it had an option either to enter the service or to retire on the full pay of the Irish establishment. The proposal of the hon. gentleman, if agreed to in its full extent, would give the officers alluded to 3,000*l.* a year besides 51,000*l.* arrears. Could this sum now be conveniently laid out? His objection to it was not personal: it proceeded upon public considerations.

Mr. *Benson* thought the case of those officers was very hard. They could not get into any other corps, and after a promise had been made, that they should retire upon full pay, was it right to deprive them of it? The officers to whom he alluded were many of them on foreign service at the time of their reduction. He hoped the committee would take their situation into consideration, and make some provision for them, as they suffered much hardship from having been reduced to half pay.

The *Chancellor of the Exchequer* said, that there were a great number of situations in which ministers were placed, in which it was very difficult and delicate to know how to regulate their conduct. In the present instance, it was a matterof doubt whether the officers in question should be favoured beyond the usual rule of the service. If the case, as had been stated, was one in which a promise had been made, that would, no doubt, be fulfilled: but if the merits and services of the persons concerned were the foundation of their claim, he was sure the noble lord on whom such cases depended for decision would give the matter every consideration that could be given to such affairs. He submitted whether it would not be better to allow the case, after what had been stated, to be considered by the noble lord, and to allow him to decide on it as its merits demanded. It would still be equally open to be brought forward at any future period in the way of address, or in any other way that might appear proper.

Mr. *Ward* was extremely anxious to do any thing he could on the subject; but with respect to a promise, it was in his opinion impossible that any could have been made, except with regard to the four troops he had mentioned. It was true that they could not return to any other military service; but certainly, no promise had been given to them. If the reduction was expected, and notified the usual time before it took place, the officers alluded to suffered no more hardship than was suffered by a great number every year.

Mr. *Bennet* thought there was no reason why the officers of artillery drivers should not have the advantages of other officers. They were discharged, and it was said to them "there is an end of you." Their case was an entire anomaly; and unless the hon. gentleman could produce any instance of officers retiring without a chance of returning to service, he had adduced no case in point.

Lord *Cochrane* expressed a hope, that justice would be done to these officers.

The Resolution was then agreed to.

BANK RESTRICTION BILL.] The Chancellor of the Exchequer brought in the Bank Restriction Continuance bill. On the motion that it be read a first time,

Sir *C. Monck* reminded the House, that at the beginning of the session the chancellor of the exchequer had stated, that after defraying all the expenses of the last year, there would be an excess of revenue amounting to three millions. The right hon. gentleman had now acknowledged, that the excess of the revenue, which might truly be called a sinking fund, was 1,800,000*l.*, and that the appearance of a larger surplus had been produced by the confusion of the Irish and English accounts. He now wished to know whether the sums paid into the Bank of England by the different saving banks, and amounting in all to 657,000*l.*, and on which exchequer bills had been issued, were included in that sum of 1,800,000.

The *Chancellor of the Exchequer* said, that the accounts which he had laid on the table would explain what the amount of the saving last year had been. As to the money which came from the Saving banks, it was not at all connected with the sum mentioned by the hon. baronet. It was quite a separate account.

The bill was read a first time.

Mr. *Grenfell* said, that as he considered this a measure for establishing a permanent paper currency in time of peace, he wished to know whether it was in the contemplation of the chancellor of the exchequer to take any steps for securing to the public any share of the vast profits which the Bank of England received from this system?

The *Chancellor of the Exchequer* said, he was of opinion, as he had always been, that it would not be consistent with the honour or welfare of the country, to make itself a partner in any profits which the Bank of England happened to derive from the restriction.

COUNTRY BANKERS NOTES BILL.] The chancellor of the exchequer brought in a bill "to authorize Bankers in England and Ireland, to issue and circulate Promissory Notes, secured upon a Deposit of Public Funds, or other Government Securities." The bill was read a first time. On the question, that it be read a second time,

Sir *J. Newport* said, he was confident that no notes would be issued by country bankers, on the conditions prescribed by the bill, and that the consequence would be to drive them out of circulation, to the benefit of the Bank of England, which many would think had without such a measure, influence enough in the country. He wished to know whether it was proposed that the notes issued should pay any duty?

The *Chancellor of the Exchequer* said, that they would pay the same duty as was now paid, though the form would be different. It might perhaps be convenient, to allow a certain sum to be paid as compensation for the stamp duty. The convenience of this would be, that, as the sum to be issued by each banker would be well ascertained, any banker might change his notes as often as they became dirty, or worn out, without additional expense.

Sir *J. Newport*, alluding to what had fallen from the right hon. gentleman the other day, respecting the total disappearance of the 2,500,000*l.* issued in coin by the Bank, wished to inform him that it had not been all transmitted, as he seemed to imagine, to foreign countries. The fact was, that at that period some bankers, and he spoke with certainty of one with whom he was connected by blood, having placed full confidence in the assurance given by the right hon. gentleman respecting the resumption of cash payments, had made preparations for that purpose. With that end in view, the banker whom he had mentioned had drawn a large sum from the bank of Ireland, as a preparation against the period when cash payments should be resumed.

The *Chancellor of the Exchequer* said, he should be glad to find that the instances of such preparations had not been rare, and would make some inquiry into the subject before the bill passed through the House.

Mr. *Grenfell* observed, that 100*l.* five per cents was of more value than 100*l.* exchequer bills; and that 100*l.* four per cents was also of more value, but in a less proportion. He wished to know whether the chancellor of the exchequer intended to propose any clause in the bill which would regulate the difference, as this was a matter of some importance?

The *Chancellor of the Exchequer* said, that the subject mentioned by the hon. gentleman would be proper for the committee. Great difficulty had been found in making any distinction between the different public stocks; but he should be happy to receive any communication on the subject.

Mr. Alderman *Atkins* observed, that the Bank of England was now in a more flourishing state than it had ever before been. But it would never have arrived at that state, if it had been liable to be called upon, at any time for cash payments. If, then, such confidence was placed in the Bank of England, a proportionate degree of confidence should be placed in private banks; for the Bank of England was no more than a company of private bankers on a large scale. He hoped that such time would be taken on the discussion of the present bill as would enable the House and the country to understand fully what was its nature, and what would be its effects.

The bill was ordered to be read a second time on Monday se'nnight.

Surgery Regulation Bill.] Mr. *Courtenay* moved the second reading of the Surgery Regulation bill. He should refrain from entering into the minute examination of the clauses of the bill for the present, although some of them, he admitted, contained matter which had excited considerable apprehension on the part of the colleges in Ireland. It had been asserted by petitioners to that House, that the object of the bill was, to create a monopoly on the part of the college of surgeons of London. Nothing could be more unfounded, except it was contended they produced that effect by exercising a controlling power over the affairs of the profession, so far as prohibiting men from endangering the lives of his majesty's subjects, through incompetency in the profession they presumed to tamper with. The bill proposed to subject the cadidates to an examination before the college, and on exhibiting a competent knowledge, to admit them to practice. The experience and superior improvements of later days had rendered this mode of examination indispensably necessary. Of the merits of the bill, the House could hardly be at present aware. He would suggest, that the best way would be to allow the bill to be read a second time, and afterwards to discuss its several provisions in a committee of the House.

Sir *C. Monck* spoke against the principle and details of the measure. He said, he could not see any necessity for its adoption, and he protested against the doctrine, that no surgeon should be allowed to practice, who did not submit to an examination by, had not a testimonial from, and, did not pay a fee to, some corporation of surgeons. The adoption of such a measure would, in his view, be peculiarly inconsistent with justice and sound judgment, as well as with the conduct of that House, which had recently abolished the restrictions imposed by the laws of queen Elizabeth, upon the subject of trade. He was not among those who deprecated the policy of the laws which subjected to a pecuniary penalty such as set up particular trades, without serving an apprenticeship to those trades; for such laws were, in his opinion, necessary to secure to society persons of competent skill in the mechanical professions. But it had become the fashion to deprecate those laws, and therefore they were repealed about two years ago. Would it, then, become parliament, after acceding to that repeal, upon the ground of removing undue restrictions, to adopt a measure which proposed to invest certain corporations with the power of deciding, who should or should not practise surgery? Such restrictions could only be tolerated upon the ground that it was necessary to provide against unskilful practitioners; but no such necessity was shown to exist; and if it existed, how did this bill propose to remedy the evil? Why, merely by making it obligatory upon persons to submit to an examination before certain colleges. But what guarantee did such examination afford to the public for competent practitioners? The usual examination before the college of surgeons was, he was assured, conducted in a very loose and slovenly manner. Then as to the college of surgeons in Edinburgh, the fee for a testimonial or diploma there was in the first stage about 30*l.*, but in a subsequent stage the fees required were no less than 250*l.*, and those fees were exacted by the mere bye law, or internal authority of the college. Was the House, under all these circumstances, prepared to compel every candidate for the practice of surgery, to appeal to these colleges, and to depend upon their will for the right to pursue his profession? He had no objection to a law to regulate the practice of surgery, and to prevent the evil of improper practitioners; but he thought the hon. mover had begun at the wrong end, for instead of proposing a measure at the instance of the public, for whose benefit such a measure ought to be adopted, he brought it forward at the instance of the college of surgeons of London, whose benefit it was calculated to promote. The hon. baronet concluded with moving as an amendment, "That the bill be read a second time this day six months."

Mr. *W. Dundas* stated, that the fee required by the college of surgeons of Edinburgh, from a person desiring to practise as a licenciate, was only 5*l.* but that any one requiring (and this was wholly voluntary) to be admitted as a member of that corporation, which admission would entitle him to certain advantages for himself, his widow, and his children, was called upon to pay 250*l.* for the benefit of the general fund.

Captain *Waldegrave* stated a case which came to his knowledge, and which served, in his opinion, to show the necessity of making some provision that the people should not be exposed to the danger of incompetent medical practitioners. This case had occurred in his own neighbourhood, where, upon the regular surgeons refusing to inoculate for the small pox, conceiving vaccination much preferable, some people were, through prejudice and imposition, induced to apply to chemists, and other unqualified persons, who inoculated for the small pox, and the consequence was, that the contagion spread throughout the country—that, indeed, no less than 800 persons in one parish were infected by it.

Mr. *Peel* reprobated the idea of legislating upon a single fact, however respectable the authority by whom authenticated. The bill professed to be one merely to regulate the practice of surgery; yet a line or two after it stated, without even its having been attempted to be proved, that "Whereas ignorant and incapable persons are not restrained by law from practising surgery; whereby the health of great numbers of persons is much injured, and the lives of many destroyed." Was this, then, merely a bill of regulation, or was it not rather one of imputation, and that of the most alarming and prejudicial nature? The college of Dublin, as well as other bodies, was inimical to the bill, though not to its principle. He was inimical to the principle of the bill itself; for if it were sufficient for a party merely to appear before a certain board (not that he supposed such board would be directly influenced by interested motives), in order to procure a licence or diploma, on payment of a sum of money, it was to be feared that the practice would ultimately degenerate into one of considerable abuse. It was natural to suppose a competition would soon be entered into between the several bodies who had a power to grant licences, for the purpose of procuring the greatest quantity of fees. The more testimonials they granted, the greater would be their profit. It would be evidently to their advantage to grant as many as possible; and, therefore, it appeared to him, that unless they had some other test of ability, beyond a mere diploma, a great abuse would be generated. On this account he should oppose the bill being carried into a law. With respect to Ireland, where, he believed, the profession was most respectably carried on, he would not attempt to regulate it there, without farther evidence of the necessity of legislative interference. In 1784, alterations of a beneficial character were made in the college of surgeons of Dublin, without which their new charter would not have been granted to them. By those regulations, an apprenticeship was rendered necessary, before an individual entered on the profession, instead of a mere appearance before the board, and receiving a diploma. In the bill now before the House, there was a clause, which set forth, that surgical assistance was often necessary in practising midwifery; and, therefore, that every person practising that branch of the profession, should also have a licence for acting as a surgeon. By this means a double imposition would be levied from persons acting as accoucheurs, which appeared to be unjust and unnecessary. He was altogether an enemy to the principle of subjecting the surgical profession to any such restriction as this bill proposed: for if such a bill were adopted, he very much feared that the fees required for the diploma would alone be looked to, and that the examination would become a mere formality. After animadverting upon the fees required for a diploma by the college of surgeons of Edinburgh, which in 1717 amounted only to about 3*l.* while they were now equal to 250*l.*, the right hon. gentleman concluded with observing, that the present bill was the child of the late attorney-general, who transferred it to the hon. and learned mover, by whom, with all his paternal care for the bantling, it had not, he was sorry to say, been much amended or improved.

Sir *J. Newport* opposed the bill, on the ground of its destroying the only check that now existed against an improper system of professional practice. It would destroy all competition. The examination would be a mere formality. The only object would be the fee.

Mr. *Courtenay* said he was not disposed to press its adoption against the sense of the House.

Mr. *D. Gilbert*, though he considered the present measure objectionable, thought some plan should be devised to guard against those abuses which were admitted to be too general.

General *Hart* declared it the most exceptionable measure ever submitted to parliament. Its framers might with equal propriety have demanded, that the surgeons of the united kingdom should all pass through a certain turnpike and pay toll, in order to qualify them for the exercise of their functions, as to regulate their efficiency by such a test as was now proposed.

The amendment was then carried, and the bill was ordered to be read a second time that day six months.

EMPLOYMENT OF THE POOR.] Mr. Alderman *Wood* rose to move for leave to bring in a bill on a subject, in his judgment, of the highest importance. It had for its object to procure employment for the millions of persons in the united kingdom, particularly in Ireland, who were now unhappily without any means of exerting their industry. In that stage of the measure, and in so thin a House, he would not trespass on its attention by entering into a statement of the merits of the measure. In Ireland it had been for a long time the law to permit persons to embark a certain capital in trading partnerships, under a limitation of their liability only to the amount of the capital embarked. Defects had since been found to exist in the statutes under which that permission was granted. One part of his object was, to correct those deficiencies by amendments, and to them he could not anticpate any objection. With regard to this part of the united kingdom, he conceived it would be highly advantageous to extend the same permission as existed in Ireland. It would be open to the consideration of the House to judge of its merits when the bill should be printed. He had then only to move for leave to bring in a bill for the better employment of the poor in the fisheries, trade, and manufactures of the country, by the encouragement of partnerships.

The *Speaker* observed, that the motion could not be received. The course to be pursued by the worthy alderman was, to move for the House to resolve itself into a committee of the whole House on the subject, and to let a resolution to the effect proposed by the worthy alderman grow out of that committee.

Mr. Alderman Wood having changed the form accordingly, and moved for the House to resolve itself into a committee,

Mr. *Grenfell* said, he did not mean to oppose the motion of his hon. friend, which notwithstanding seemed a most extraordinary one; for thus promoting the employment of the poor was neither more nor less than doing away with all the existing laws for the protection of trade and commerce, and particularly with that of the 6th Geo. 1st for preventing the formation of joint stock companies. If he understood the bill at all, it was to encourage such companies, by individuals subscribing a certain sum, and releasing themselves from all responsibility that should exceed the sum they subscribed. Such a measure would strike at the root of the whole commercial system of this country. He knew that in many parts of the continent such a system was adopted, but it was so contrary to the system on which this country had ever acted, that he should feel it his duty to oppose the proposition in every stage.

Mr. Alderman *Wood* thought his hon. friend had certainly mistaken the nature of the measure. It was not a bill that the great capitalists of this country ought to be alarmed at; and the House could determine whether it should go with any amendments that might be proposed.

Mr. *Grenfell* replied, that if its object was only to amend the existing laws of Ireland, he should not give it opposition; but would it not go to the extent of allowing manufacturers and traders in this country to deposit any sum they pleased, being liable only for what they advanced?

Sir *J. Newport* hoped the House would, at all events, entertain this bill; for he would take upon himself to say that such defects had been found in the acts of the 22nd and 26th of the king, that they had ceased to be operative. It was peculiarly necessary for Ireland, that the principles of some such measure should be reduced to practice, and by the means of capital—the only thing wanted to give employment to the mass of unemployed poor.

Mr. *Finlay* knew that a similar practice prevailed abroad, but here he was convinced that it would be attended with the greatest possible disadvantage to trade and commerce. He hoped the worthy alderman would so separate the two objects, that if what related to England were rejected, that which related to Ireland might remain.

Mr. *D. Gilbert* considered the measure to be one which would affect a fundamental principle in our commercial system, and therefore it would require the most deliberate attention of the House.

Leave was given for the appointment of the committee.

Royal Burghs of Scotland.] The *Lord Advocate* of Scotland said, he believed it was generally admitted that there were defects in controlling the expenditure of the corporations of the royal Scotch burghs. It was therefore his object to move for leave to bring in a bill to regulate the mode of accounting for the revenues of those burghs, and for the better regulation and control of the undue expenditure thereof. The measure he had in contemplation was one which would partially revive the obsolete laws of the country, which called the magistrates to account for the revenues in the court of exchequer. In addition to this, it would impose upon them an obligation to submit their accounts annually, and that they should also be exposed to the burgesses to consider of the expenditure; and if they saw grounds of an improvident expenditure, they should have a right to complain. But this might not in certain cases prevent the misapplication of the funds by the magistrates, or from their entering into speculations by which dilapidations might arise. He should therefore propose that the court of exchequer, on the complaint of five burgesses, should have the power of controlling the actual expenditure. But in so thin a House he thought it would be better to leave the bill to speak for itself. He would therefore move, "That leave be given to bring in a bill, for the better regulating the mode of accounting for the common good and Revenues of the Royal Burghs of Scotland, and for controlling and preventing the undue expenditure thereof."

Lord *Archibald Hamilton* congratulated the House, and still more particularly the country with which he was immediately connected, that at length, after numerous petitions had been presented, after various grievances had been stated, the learned lord admitted, what before he had uniformly denied, that the royal burghs had very just reason to complain of serious injuries. Scotland had now, for about thirty years, been requesting this boon of the House, and, during the whole progress of that time it had been denied that any evil, such as the learned lord's measure was intended to redress, did in reality exist. Last session the learned lord seemed to deny that there was any necessity whatever for the House interfering on this subject; and he could not now, after what had fallen from the learned lord, avoid expressing his joy, that Scotland had at length a prospect of receiving justice at his hands, and at the hands of that House. Of the nature of the bill itself he would not presume to judge; but the view the learned lord took of the subject was so different from that which he and the petitioners entertained, that he feared but partial relief would be derived from the measure. The petitioners complained, not merely that they had no control over the expenditure of the revenues of the royal burghs, but that they had no voice whatever in the election of those very magistrates who disposed of their property. That grievance, he supposed, the learned lord meant to leave wholly untouched. He regretted that the learned lord had so long delayed his measure. He (lord A. Hamilton) on the first day of the session had stated his intention of calling the House to a consideration of the subject at large; but he gave up his intention, in consequence of the learned lord stating that he had long had it in contemplation to introduce a measure of this nature, yet from that time to the present, a period of upwards of two months, they had heard nothing on the subject. He lamented that the bill was introduced at so late a period, when those who took a more extensive view of the subject could not possibly give it that attention which it demanded. The bill seemed only to embrace a part of the evil. There were two points which it did not pretend to remedy—the self election of magistrates in some cases, for life, and the dissipation of the funds consequent on that self-election. Now, if the bill went no farther than to call magistrates to account, it would not meet the root and source of the evil. The learned lord spoke of statutes that were not operative. Why were they not operative? Because they were overwhelmed by the corruption which marked the burghs in Scotland, and which now called for this measure. Corruption had long been continued; and from it, those abuses which the learned lord now meant partially to remedy had proceeded. He hoped the learned lord would have the bill circulated among those, who, like himself, were deeply interested in the measure. In conclusion, the noble lord inquired whether the bill had been submitted to the judges of Scotland, as he understood it would be; and also what period the learned lord meant to give, in order that it might be circulated?

The *Lord Advocate* said, that no one was responsible for this measure but himself. He had not submitted it to the Scotch judges, but after he had made a draft of it, he had consulted those persons from whose advice he was likely to derive assistance in order that it might not come before the House in a crude shape. He never said that he had long contemplated a measure of this kind. What he had observed was, that he had it in contemplation in the course of the session, to introduce such a bill. With respect to his doubt, that certain laws in Scotland were not in abeyance, he should only reassert the fact —[Hear, hear, from sir John Newport and lord A. Hamilton]. He could excuse the right hon. baronet, for being ignorant that by the law of Scotland statutes from desuetude might cease to have operation. But he could not extend the same indulgence to the noble lord who was a legislator for Scotland [Lord A. Hamilton, in explanation, said he had never disputed it, he had only regretted it]. As to the complaint that persons who felt themselves aggrieved were prevented from taking measures of redress by the delay of the present bill, it was utterly unfounded. It was in the recollection of the House, that he had stated in the first week of the session the limited nature of the object he had in view. That object was to enable the courts of exchequer to take cognizance of the accounts and expenditure of the burghs, but not to attempt any more general regulations. There was nothing, therefore, in the nature of his pledge which ought to have prevented the persons alluded to, or the noble lord as their organ from introducing a more extended measure, if they thought it necessary. The noble lord was mistaken in attributing to him the assertion, that the royal burghs of Scotland had nothing to complain of. What he had said he was still prepared to maintain, namely, that it was impossible to introduce any general measure to regulate the election of magistrates in the royal burghs, without abrogating the whole system of the laws by which they were at present affected. He thought that the bill, though it might not embrace all the objects that were to be desired, would at least produce some good effects. It would remove many alleged grounds of grievance, and take away the stalking horse, by which the noble lord, as well as others, were enabled to introduce the topic of parliamentary reform, upon occasions with which it had no necessary connexion. His intention, with regard to the progress of the bill was to bring it in that night, and have it read a first time immediately. He would then propose that it should lie over for three weeks, after being printed; but if the noble lord had any wish for its postponement to another session, he would not press it upon the House, as he saw no reason whatever for precipitating the question.

Sir *John Newport* hoped, that after the charge of gross ignorance made against him by the learned lord, not for what he had said, but for what he meant to say, he should be excused for offering a few words to the House. The expression of his countenance, for that was the only expression that had escaped him, was excited to some astonishment at hearing it stated by the learned lord, that a statute remaining on the Statute book might, under certain circumstances, be considered as not a law of the country. Notwithstanding the decision of the judges, to which allusion had been made, he still felt that astonishment. He remembered having once heard an advocate in Ireland contend before a learned judge, that a law which still existed in the Statute book was become obsolete. The answer of the judge was, that the thing was quite impossible; that where a statute could be produced it was binding on the court. The judge to whom he alluded was the late lord Kilwarden. It would certainly be a most mischievous discretion entrusted to judges of courts, if they were to be allowed to determine what laws were binding and what were not. When the provisions of a statute became objectionable or unnecessary, the legislature alone had the right to annul them, and if it was the fact that any judges had declared an existing statute not binding upon their determinations, it was a subject for the consideration of parliament. As to the bill itself, it appeared to him an attempt to establish the right of control in the body itself over which the control was to be exercised. It was on their own application to courts of law, that their own abuses were now intended to be remedied.

The *Lord Advocate* disclaimed any idea of imputing ignorance of the laws of England and Ireland against the right hon. baronet, but he was not acquainted with the law of Scotland. It was admitted by the legislature itself that statutes in Scotland had fallen into abeyance. One of the objects of the bill was, to give the burgesses at large a power to compel the magistrates, under a penalty, to lodge their accounts in the exchequer.

Mr. *Finlay* was of opinion that the present bill would be of no use at all as a remedy against the evil complained of. When a burgess was told that his remedy was in a court of law, he would be very apt to say the remedy was worse than the disease.

The Lord Advocate explained, that his purpose was, that the accounts should be open to the inspection of the burgesses.

Leave was then given to bring in a bill. It was immediately brought in and read a first time, and ordered to be read a second time on this day three weeks.

HOUSE OF LORDS.

Monday, April 13.

Prince Regent's Message respecting Royal Marriages.] The Earl of Liverpool presented the following Message from the Prince Regent:

"George, *P. R.*

"The Prince Regent, acting in the name and on the behalf of his Majesty, thinks it right to inform the House of Lords, that Treaties of Marriage are in negotiation between his royal highness the Duke of Clarence and the Princess of Saxe Meningen, eldest daughter of the late reigning duke of Saxe Meningen; and also between his royal highness the Duke of Cambridge and the Princess of Hesse, youngest daughter of the Landgrave Frederick, and niece of the Elector of Hesse.

"After the afflicting calamity which the Prince Regent and the nation have sustained in the loss of his Royal Highness's beloved and only child, the Princess Charlotte, his Royal Highness is fully persuaded that the House of Commons will feel how essential it is to the best interests of the country that his Royal Highness should be enabled to make a suitable provision for such of his Royal Highness's brothers as shall have contracted marriage with the consent of the Crown: and his Royal Highness has received so many proofs of the affectionate attachment of this House to his majesty's person and family, as leave him no room to doubt of the concurrence and assistance of this House in enabling him to make the necessary arrangements for this important purpose. G. *P. R.*"

The Message was ordered to be taken into consideration to-morrow.

Fees of Courts of Justice.] The Marquis of *Lansdowne* adverted to the conversation which had taken place on Friday last. The reports to which he then referred, had stated some irregularities in the court of Common Pleas, in Ireland, with respect to the loss of certain recoveries. He had, however, since had a communication with a person who held the place of prothonotary of that court, who had assured him, that no loss or inconvenience had occurred with respect to any recoveries. In consequence of what had already passed on the subject, he thought it proper that their lordships should be informed of this circumstance. While he was on his legs, he should move for an account of the fees taken in cases of pardons granted by the Crown. He was glad to learn, that a bill on that subject was in progress in the other House of parliament, and he hoped it would soon come before their lordships. It was a serious consideration, that by far the greater number of the persons who received pardons under the great seal were unable to avail themselves of the advantage to which they were entitled by the mercy extended to them by the Crown, in consequence of not being able to pay the fees. But it was not the mere fees which constituted the burthen of the charge. A great part of the expense was occasioned by the stamp duties. It appeared that a pardon could not be sent out without incurring an expense of more than 40*l.* This was certainly a great hardship, especially when it was considered that the persons to whom the mercy of the Crown was extended were often in great distress. It was with reference to the bill which he had stated to be in progress, that he had resolved to move for some papers which appeared to him necessary to enable their lordships to understand the subject when it should come before them. He concluded by moving, that there be laid before the House an account of the fees paid on suing out a pardon granted under the great seal.

The *Lord Chancellor* said, he had no objection to the motion, but wished the words, "distinguishing the parts of the fees payable to different persons," to be added thereto.

The Marquis of Lansdowne consented to this addition, and the motion was agreed to; as was also a subsequent motion of his lordship, for an Account of the Number of Pardons sued out during the last ten years.

Lord *Holland* adverted to the heavy expense incurred in several cases where the parties indicted pleaded Not Guilty. The expense incurred was, indeed, so considerable, that professional men were actually in the habit of advising some of their clients to plead guilty to indictments charging them with offences of which they were certainly innocent, rather than incur the heavy expense arising from a plea of Not Guilty. He expressed a hope that some noble lord would take up this subject, with a view of remedying the evil.

HOUSE OF COMMONS.

Monday, April 13.

Education of the Poor Bill.] Mr. *Brougham*, in moving the second reading of the bill appointing commissioners to inquire into the application of Charitable Funds for the purposes of Education in England and Wales, wished to explain the course which he deemed it advisable to be pursued in this business. It had been his intention to propose that the inquiry of the commissioners should extend to all charities whatever; but he was now of opinion, that it would be most advisable to confine for the present the inquiries of the commissioners to charities for purposes of education, with an understanding that additional powers would be given next session to extend the inquiry to all other charities. There would be ample employment for the commissioners for a considerable time in the metropolis, and twenty or thirty miles in its neighbourhood, and this would give time for finding out the sort of persons who could most efficaciously execute the provisions of the act. When, therefore, It would be necessary to appoint additional commissioners next session, it would be more easy to find proper persons for that purpose. Another purpose would be gained by the delay—it would serve as a warning to those great bodies by whom charitable funds were at present abused. From what had happened already, he was confident this time would not be lost.

The bill was then read a second time.

Royal Burghs of Scotland—Petition from Whithorn.] Sir *Samuel Romilly* said, he held in his hands a petition, signed by 120 persons, who described themselves as Burgesses of the Royal Burgh of Whithorn in Scotland. This petition, it was stated, contained a very accurate picture of most of the Royal Burghs in Scotland. From the magistrates and town council, who chose the delegates, by whom the representatives were returned, not being elected by the burgesses, but by one another, it was a perfect mockery to say, that the elective franchise was enjoyed by the burgesses. The petitioners stated, that although by the charter of the Burgh, the magistrates and town council ought to be elected out of the inhabitants of the Burgh, yet it so happened, that at present five only out of the eighteen of their magistrates and council were inhabitants. The petitioners stated, that they were not desirous of any innovations, but they complained of the abuses which had crept into the Burgh system; and they appealed to a peculiar statute, in the teeth of which these abuses had taken place. They stated, that they had heard with surprise, that the burgesses would be satisfied with the constitution of the Burgh, if the magistrates were subjected to an audit. They would only be satisfied with a real representation, instead of a nominal one, as at present, there being now no popular election; but the magistrates and town council, who were not chosen by the people, and among whom was a nobleman, and several gentlemen in the neighbourhood, nominating certain delegates, who, along with the delegates from certain other Burghs, nominated a representative to parliament. They contended, that it was a breach of the privileges of the House of Commons for a lord of parliament or lords-lieutenant of counties to interfere with elections.

The petition was ordered to lie on the table and to be printed.

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